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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 23rd May, 1994/Jyaistha 2, 1916/(Saka)

THE ANDAMAN AND NICOBAR ISLANDS (MUNICIPAL) REGULATION, 1994

No. 5 OF 1994

Promulgated by the President in the Forty-fifth Year of the Republic of India

A Regulation to provide for the constitution of Muncipalities in the Andaman and Nicobar Islands and to define and regulate their power and functions and to repeal the Andaman and Nicobar Islands (Administration) Regulation, 1979.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

Short title, extent and Commencement.

1. (*1*) This Regulation may be called the Andaman and Nicobar Islands (Municipal) Regulation, 1994.

(*2*) It extends to the whole of the territory of the Andaman and Nicobar Islands.

(*3*) It shall come into force at once

Definitions.

2. In this Regulation, unless there is something repugnant in the subject or context—

(*1*) "Administrator" means the Lieutenant Governor of the Andaman and Nicobar Islands appointed by the President under article 239 of the Constitution;

(*2*) "building" means a house, hut, shed or other roofed structure, for whatsoever purpose, and of whatsoever material constructed, and every part thereof, and includes a wall and a well, but does not include a tent or other such portable and merely temporary shelter; and "part of building" includes any wall, under-ground room or passage, verandah, fixed platform, plinth, staircase, or door-steps attached to, or within the compound of, an existing building or constructed on ground which is to be the site or compound of a projected building;

(*3*) "bye-law" means a bye-law made at a special meeting of a Municipality in exercise of a power conferred by this Regulation;

(*4*) "casual vacancy" means a vacancy occurng otherwise than by fflux of time in the office of a member of the Municipality or any other elective office and casual election means an election held to fill a casual vacancy;

(*5*) "Deputy Commissioner" means the Deputy Commissioner of the Andaman and Nicobar Islands and includes any other officer specifically appointed by the Administrator to perform all or any of the functions of the Deputy Commissioner under this Regulation in relation to a Municipality;

(*6*) "district" means the district of Andaman and Nicobar Islands;

(*7*) "District Judge" means the District Judge of the Andaman and Nicobar Islands;

(*8*) "drain" includes a sewer, pipe, ditch, channel or any other device for carrying off sullage, sewage, polluted water, rain water or sub-soil water together with pail-depots, traps, sinks, cisterns, flush-tanks and other fittings appertaining thereto;

(*9*) "Election Commission" means the Election Commission of the Union territory referred to in section 32;

(10) "Election Commissioner" means the Election Commissioner of the Union territory referred to in section 32;

(*11*) "explosive" has the meaning given to it in clause (1) of section 4 of the Explosives Act, 1884; 4 of 1884.

(*12*) "factory" means a factory as defined in the Factories Act, 1948; 63 of 1948.

(*13*) "filth" includes sewage, dung, dirt, swill, putrid and putrefying substances and all offensive matter;

(*14*)"Government" means the Government of Union territory of the Andaman and Nicobar Islands;

(*15*) "joint committee" means a joint committee constituted under section 19;

(*16*) "infectious or contagious disease" includes cholera, leprosy, enteric fever, small-pox, tuberculosis, diphtheria, plague; influenza and any other epidemic, endemic or infectious disease which the Administrator may, by notification, declare to be an infectious or contagious disease for the purposes of this Regulation;

(*17*) "inhabitant" in relation to a municipal area means any person ordinarily residing or carrying on business, or owing or occupying immovable property herein, and, in case of any dispute, means any person declared by the Deputy Commissioner to be an inhabitant;

(*18*) "land" includes land which is being built upon or is built upon or covered with water benefits to arrive out of land, things attached to the earth or permanently fasacent to any thing attached to the earth and drives created by law or any street;

(*19*) "layout" means a layout formed by an individual or body of persons, whether incorporated or not;

(*20*) "licenced plumber", "licenced surveyor", licenced architect", "licenced engineer" and "licenced structural designer" respectively means a person licenced by the Municipality as plumber, surveyor, architect, engineer or structural designer under this Regulation;

(*21*) "lodging house" includes a collection of buildings or a building or part of a building used for the accommodation of travellers;

(*22*) "major road" means any surfaced, that is to say metalled, and motorable public street not constructed by or on behalf of a municipality out of the municipal fund, which may be declared by the Administrator to be maintainable by the Andaman Public Works Department;

(*23*) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, livestock, food for live-stock, meat, fish, fruit, vegetables, flowers, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such places, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place, or any other person;

(*24*) "member" means a member of a Municipality;

(*25*) "municipal area" means any area declared under section 3 to be a municipal area;

(*26*) "notification" means a notification published in the Official Gazette;

(*27*) "nuisance" includes any act, omission, place or thing, which causes or is likely to cause injury, danger, annoyance, or offence to the sense of sight, smell or hearing or disturbance to rest or sleep of which is to may be dangerous to life or injurious to health or property;

(*28*) "occupier" includes an owner in actual occupation of his own land or building and any person for the time being paying or liable to pay to the owner of any land or building the rent or any portion of the rent payable in respect thereof; and in Chapter VII

includes a hotel keeper, a lodging house keeper and any owner whose premises are let to more than one tenant;

(*29*) "offensive matter" includes animals carcasses, dung, dirt and putrid or putrefying substances other than sewage;

(*30*) "officer" in relation to a Municipality means a person holding an office created or continued by or under this Regulation, but does not include a member as such;

(*31*) "Official Gazette" means the Andaman and Nicobar Islands Gazette;

(*32*) "owner" includes the person for the time being holding the licence, permit or grant under the Andaman and Nicobar Islands (Land Tenure) Regulation, 1926 in respect of any land also the person for the time being receiving the rent of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant;

(*33*) "petroleum" means petroleum as defined in clause (*a*) of section 2 of the Petroleum Act, 1934; 30 of 1934.

(*34*) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(*35*) "premises" includes messuages, buildings and lands of any tenure whether open or enclosed, whether built upon or not and whether public or private;

(*36*) "prescribed" means prescribed by rules made under this Regulation;

(*37*) "private street" means any street, road square court, alley, passage or riding path, which is not a public street but does not include a path way made by the owner of the premises on his own land to secure access to or the convenient use of such premises;

(*38*) "Public Health Officer" means the Public Health Officer of the Municipality appointed under section 24;

(*39*) "public place" means a place in a municipal area not being private property, which is open to the use or enjoyment of the public;

(*40*) "public street" means any street in a municipal area which—

(*i*) has, with the consent, express or implied, of the owner of the site thereof, been levelled, paved, metalled, channelled, sewered or repaired out of municipal or other public funds, or

(*ii*) under the provisions of this Regulation becomes, or is declared by the Municipality to be, a public street;

(*41*) "rateable value" means the value of any building or land fixed in accordance with the provisions of this Regulation and the rules for the purpose of assessment to property tax;

(*42*) "rubbish" includes dust, ashes, broken bricks, mortar, broken glass, garden or stable refuse and refuse of any kind which is not offensive matter or sewage;

(43) "rule" means a rule made in exercise of a power conferred by this Regulation;

(44) "servant" in relation to a Municipality means any person in the pay and service of the Municipality;

(45) "sewage" means night soil and other contents of latrines, urinals, cesspools or drains and polluted water from sinks, bath-rooms, stables, cattle sheds and other like places and includes trade effluents and discharges from manufactories of all kinds;

(46) "sewer" means a closed conduit for carrying of sewage, offensive matter, polluted water, waste water or sub-soil water;

(47) "street" means any road, bridge, foot-way lane, square alley or passage in a municipal area along which the public or any portion of the public has a right to pass and includes, the drains, or gutters on either side, and the land up to the defined boundary of any abutting property, notwithstanding the projection over such land of any verandah or other superstructure;

(48) "street alignment" means a line dividing the land comprised and forming part of a street from and adjoining land;

(49) "sub committee" means a sub-committee established under section 18;

(50) "tax" includes rate, fee or cess levied or imposed by a Municipality under any of the provisions of this Regulation;

(51) "trade effluent" means any liquid either with or without particles of matter in suspension therein which is wholly or in part produced therein which is wholly or in part produced in the course of any trade or industry carried on at the trade premises, and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or inquiry carried on at those premises, but does not include domestic sewage;

(52) "trade premises" means any premises used or intended to be used for carrying on any trade or industry;

(53) "trade refuse" means the refuse of any trade or industry;

(54) "Union territory" means the Union territory of the Andaman and Nicobar Islands;

(55) "vehicle" includes a bicycle, tricycle and mootor car and every other wheeled conveyance which is used or is capable of being used on a public street; and

(56) "water works" includes all lakes, tanks streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, cuts, sluices, mains, pipes, culverts, engines, hydrants, stand-pipes, conduits, and all machinery, lands, buildings, bridges and things for supplying or used for supplying water.

CHAPTER II

MUNICIPAL AREAS

Declaration of municipal areas.

3. (*1*) Subject to the provisions contained in sub-section (*2*) the Administrator may, by notification, declare any area within the district, to be a municipal area, and may, by like notification, extend contract or otherwise alter the limits of any municipal area, or may declare that any such area shall, from a date specified by him, cease to be a municipal area:

Provided that no such notification shall be issued unless,—

(*i*) a draft of the proposed notification together with a notice specifying the date after which that draft and the objections and suggestions of the persons likely to be affected thereby, will be taken into consideration by the Administrator has been previously published and posted at the office of the Deputy Commissioner and one or more conspicuous places within or adjacent to the area concerned; and

(*ii*) the objections and suggestions of the persons likely to be affected by the proposed notification received in writing within the date so specified, have been taken into consideration by the Administrator and have been found by him to be insufficient or invalid.

(*2*) No notification under sub-section (*1*) shall be issued in respect of—

(*a*) any place which has been declared by the Central Government under section 3 of the Cantonments, Act, 1924 to be a Cantonment for the purposes of that Act, or

(*b*) any area not having an average population of five hundred inhabitants to a square mile calculated in accordance with the latest official census:

Provided that the Administrator may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance, or such other factors as he may deem fit, specify, by notification, any such municipal area as an area for establishing a Nagar Panchayat or Municipal Council, as the case may be.

Effect of including other area in municipal area.

4. When, by reason of a notification under section 3 the limits of a municipal area are extended to include therein any other area, such other area shall thereby become subject to this Regulation and to all notifications, ruls, bye-laws, orders, directions, issued or made thereunder and in force throughout the municipal area, save in so far as the Administrator may otherwise, by notification direct.

Effect of excluding area from municipal area.

5. (*1*) When, by reason of a notification under section 3 the limits of a municipal area are contracted to exclude therefrom any area forming part thereof, if the area so excluded is immediately placed under the control of some other local authority such portion of the Municipal Fund and property vesting in the Municipality and such portion of the liabilities of the Municipality as the Administrator may direct, shall be transferred to that other local authority, or, if the area so excluded is not immediately placed under the control of any other local authority

such portion of the Municipal Fund and property vesting in the municipality shall vest in the Government, and such portion of the liabilities of the Municipality shall be transferred to the Government, as the Administrator may direct.

(2) When, by reason of a notification under section 3 any municipal area ceases to be a municipal area then, if the area comprised therein is immediately placed under the control of some other local authority, the Municipal Fund and property vesting in the Municipality shall vest in, and the liabilities of the Municipality shall be transferred to, such other local authority, or, if the area is not immediately placed under the control of another local authority, such fund and property shall vest in the Government and the liabilities of the Municipality shall be transferred to the Government.

Application of property vested in Government.

6. All property vested in the Government under section 5, shall be applied under the orders of the Administrator in the first place to discharging the liabilities imposed on the Government under that section and in the second place for the promotion of the safety health, welfare or convenience of the inhabitants of the area which has ceased to be, or as the case may be, to be the part, of the municipal area.

CHAPTER III

MUNICIPAL AUTHORITIES, OFFICERS AND SERVANTS

Constitution of Municipalities.

7. The Administrator shall by notification in the Official Gazette, constitute for every municipal area a Municipality.

Municipality to be a body corporate.

8. Every Municipality constituted under section 7 shall be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation or under any other law for the time being in force and shall have power to acquire, hold, administer and transfer property both movable and immovable and to enter into contract and shall by the said name sue or be sued.

Composition of Municipalities.

9. (*1*) Save as provided in sub-section (*2*), all seats in a Municipality shall be filled by persons chosen by direct election from the territorial constituencies in the municipal area and for this purpose each municipal area shall be divided by the Election Commission into territorial constituencies to be known as 'Wards' in such manner that the ratio between the population of each Ward and the number of seats allotted to it shall, so far as practicable, be the same throughout the municipal area:

Provided that the total number of such members shall not be less than ten and not more than twenty-five.

(2) The following persons shall be represented in a Municipality, namely:—

(*a*) not more than three persons who are not less than 25 years of age and who have special knowledge or experience in municipal administration to be nominated by the Administrator:

Provided that the persons nominated under this clause shall not have the right to vote in the meetings of the Municipality;

(*b*) the member of the House of the people representing the constituency which comprises wholly or partly, the municipal area.

(*3*) Seats shall be reserved for the Scheduled Tribes, the number of such seats being determined by the Administrator by Order to be published in the Official Gazette and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Tribes in the municipal area bears to the total population of that area and such seats shall be allotted by rotation to different wards in the Municipality.

(*4*) Seats shall be reserved for women belonging to Scheduled Tribes from amongst the seats reserved for the Scheduled Tribes, the number of such seats being determined by the Administrator by Order to be published in the Official Gazette which shall not be less than one-third of the total number of seats reserved for the Scheduled Tribes.

(*5*) Seats shall be reserved for women, the number of such seats being determined by the Administrator, by Order published in the Official Gazette, which shall be not less than one-third of the total number of seats and such seats shall be allotted by rotation to different wards in such manner as the Administrator may, by order, published in the Official Gazette, direct in this behalf.

Duration of Municipality.

10. (*1*) Every Municipality, unless sooner dissolved, under any law for the time being in force, shall continue for five years, from the date appointed for its first meeting, and no longer.

(*2*) Notwithstanding anything contained in sub-section (*1*), the elected and nominated members of the Board functioning immediately before the coming into force of this Regulation shall continue to be members till the expiration of the term prescribed under section 9 of the Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957 as it stood before its repeal.

(*3*) An election to constitute a Municipality shall be completed,—

(*a*) before the expiry of its duration specified in sub-section (*1*);

(*b*) before the expiration of a period of six months from the date of its dissolution.

Provided that where the reminder of the period for which the dissolved Municipality would have continued, is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the Municipality for such period.

(*4*) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under sub-section (*1*) had it not been so dissolved.

Resignation of Members.

11. (*1*) A member may resign his membership, in writing, under his hand addressed to the Chairperson and his seat shall become vacant on its acceptance by him.

(*2*) A person nominated by the Administrator under clause (*a*) of sub-section (*2*) of section 9 may resign in writing under his hand addressed to the Administrator, through the Chairperson, and he shall cease to represent in the Municipality on the acceptance of his resignation by the Administrator.

(*3*) If for a period of sixty days a member or a person nominated by the Administrator under clause (*a*) of sub-section (*2*) of section 9, is without permission of the Municipality absent from all meetings thereof the Municipality may declare his seat vacant.

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Municipality is adjourned for more than four consecutive days:

Provided further that he shall be eligible for re-election, if otherwise qualified.

(*4*) If a member becomes subject to any of the disqualifications mentioned in sub-section (*1*) or sub-section (*2*) of section 12, his seat shall thereupon become vacant.

Disqualification membership.

12. (*1*) A person shall be disqualified for being chosen as, and for being, a member of a Municipality or to be nominated by the Administrator under clause (*a*) of sub-section (*2*) of section 9,—

(*a*) if he holds any office or profit under the Government of India or the Government of any State or Union Territory in the First Schedule to the Constitution other than an office declared by Parliament or the Legislature of that State or that Union territory by law, not to disqualify its holders;

(*b*) if he is of unsound mind and stands so declared by a competent court;

(*c*) if he is an undischarged insolvent;

(*d*) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State;

(*e*) if he has been convicted by a criminal court for—

(*i*) an offence punishable under the Protection of Civil Rights Act, 1955 unless a period of six years has elapsed from the date of such conviction:

Provided that a disqualification under this clause shall not, in the case of a person who on the date of the conviction is a member, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction until that appeal or application is disposed of by the court;

(*ii*) any other offence and sentenced to imprisonment for a term exceeding six months, unless a period of one year has elapsed since the expiry of the sentence;

(*f*) if he has directly or indirectly any share or interest in any work done for the Municipality or in any contract or employment, with, by, or on behalf of, the Municipality;

Provided that no person shall be deemed to have a share or interest in any such work, contract or employment by reason only of his—

(*i*) having a share in any company or firm which may contract with or be employed by or on behalf of the Municipality, or

(*ii*) having a share or interest in any news paper in which any advertisement relating to the affairs of the Municipality may be inserted, or

(*iii*) having a share or interest in any lease, sale exchange or purchase of immovable property or any agreement for the same, or

(*iv*) having a share or interest in the occasional sale to the Municipality to a value not exceeding two thousand rupees in any one financial year, of any article in which he trades;

(*g*) if he has been dismissed from the service under Government for corruption or disloyalty to the State, or from service any Municipality for corruption unless a period of three years has elapsed since his dismissal;

(*h*) if he is so disqualified by or under any law made by Parliament for being chosen as, or for being, a member of either House of Parliament;

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years.

Explanation.—For the purposes of this sub-section a person shall not be deemed to hold an office of profit under the Government of India or the Government that he is a Minister either for the Union or for such State or in any Union territory or that he is a member of the House of the people.

(*2*) A person shall be disqualified for being a member if he is disqualified for being a member of either House of Parliament under the Tenth Schedule to the Constitution.

(*3*) No person is in the service of Government shall be eligible for being elected as a member.

(*4*) If any question arises as to whether a member of a Municipality has become subject to any disqualification mentioned in sub-section (*1*) or sub-section (*1*)' of section 21 the question shall be referred for the decision of the Administrator and his decision shall be final.

(5) Before giving any decision on any such question, the Administrator shall obtain the opinion of the Election Commission and shall act according to such opinion.

Filling casual vacancies.

13. (*1*) vacancy occurring by reason of the death, resignation, removal or voidance of the election of an elected member shall be filled at a casual election:

Provided that in the case of a seat reserved for Scheduled Tribes, a person shall not be so qualified unless he is a member of a Scheduled Tribe:

Provided further that in the case of a seat reserved for woman no person other than a woman shall be qualified to be chosen as a member.

(2) In the case of a casual vacancy in the Office of a nominated person, the Administrator may nominate another person in his place.

(3) No election to fill casual vacancy shall be held if the vacancy occurs within six months before the expiry of the duration of the Municipality efflux of time of the term of office of the members.

Election of Chairperson.

14. (*1*) As soon as may be after its constitution, every Municipality shall, at a special meeting, elect one of its members, from among themselves, to be the Chairperson of the Municipality.

(2) The term of office of a Chairperson shall be one year from the date of his election or the residue of the term of the Municipality, whichever is less.

(3) The office of the Chairperson shall be reserved for the first year of the Municipality in favour of a member who is a woman.

(4) On the occurrence of any vacancy in the office of the Chairperson or the Vice-Chairperson, the Municipality shall within one month of the occurrence of such vacancy elect one of its members as Chairperson or Vice-Chairperson as the case may be.

(5) If the vacancy be a casual vacancy in the office of the Chairperson and is reserved for a woman, the vacancy shall be filled by electing one of the members from amongst women.

Election of Vice-Chairperson.

15. Every Municipality shall, at a special meeting, elect one or two of its members to be the Vice-Chairperson or Vice-Chairpersons and may by resolution regulate the precedence of the Vice-Chairpersons.

Term of Office of Vice-Chairperson.

16. (*1*) The term of office of a Vice-Chairperson shall be one year from the date of his election as such or till he ceases to be a member of the Municipality whichever is earlier.

(2) A Vice-Chairperson whose term of office has expired, shall, if otherwise qualified, be eligible for being re-elected, as such.

Resignation or removal of Chairperson or Vice-Chairperson.

17. (*1*) The Chairperson may resign his office by writing under his hand addressed to the Administrator and the Vice-Chairperson may resign his office by writing under his hand addressed to the Chairperson.

(*2*) Every resignation under sub-section (*1*) shall take effect from the date of its acceptance by the Administrator in the case of the Chairperson, and by Municipality in the case of a Vice-Chairperson.

(*3*) The Chairperson or the Vice-Chairperson shall vacate his office if he ceases to be a member.

(*4*) A motion of no confidence against the Chairperson or Vice-Chairpersons may be moved by any member at a special meeting convened for that purpose:

Provided that no such special meeting shall be convened except in accordance with sub-section (*5*).

(*5*) A requisition for a special meeting shall be made by not less than one fifth of the total members of the Municipality and shall be delivered to the Chairperson.

(*6*) On receipt of a requisition under sub-section (5) the Chairperson shall within seven days of its receipt convene a special meeting of the Municipality.

(*7*) The special meeting shall be held on a day not later than fifteen days from the date of issue of the notice of the meeting.

(*8*) The special meeting shall be presided over by the Vice-Chairperson if the motion is against the Chairperson and by the Chairperson if the motion is against the Vice-Chairperson.

(*9*) If the motion is carried by a majority of the total number of members at the special meeting, the Chairperson or the Vice-Chairperson, as the case may be, shall cease to hold office from the date on which the motion is carried unless he has resigned earlier.

(*10*) If the motion of no confidence against the Chairperson or the Vice-Chairperson is rejected, no fresh motion of no confidence against him shall be brought before the Municipality during his term as such.

C. Sub-Committees

Appointment of Sub-Committees.

18. (*1*) There shall be the following sub-committees in the Municipality, namely:—

(*a*) sub- committee for finance, taxation and accounts.

(*b*) sub-committee for public health and sanitation.

(*c*) sub-committee for works, town planning and improvement.

(*d*) sub-committee for water works.

(*e*) sub-committee for education and social justice.

(*2*) Each sub-committee shall consist of five members of the Municipality elected at its first meeting after the general election and at the first meeting in the same month in each succeeding year according to the principal of proportionate representation by means of the single transferable vote.

(3) The Chairperson and the Vice-Chairpersons shall be ex-officio members of all the sub-committees but they shall not have the right to vote.

(4) The term of office of the members of the sub-committees shall be one year from the date of their election:

Provided that a person shall cease to be a member of the sub-committee if he ceases to be a member of the Municipality or if he absents himself without the permission of the sub-committee for three consecutive meetings of the sub-committee.

(5) Where a casual vacancy occurs in the membership of a sub-committee it shall be filled by the Municipality by the election of another member. The persons so elected shall hold office only so long as the person in whose place he is elected would, but for occurence or vacancy, have held.

(6) A member of the sub-committee may resign his office at any time by notice in writing addressed to the Chairperson of the sub-committee and delivered to him and such resignation shall take effect from the date on which it is accepted.

(7) Each sub-committee shall elect one of its members as Chairperson.

(8) The Chairperson of the sub-committee shall hold office until a successor is elected but shall be eligible for re-election.

(9) Notwithstanding the provisions of sub-section (6) the Chairperson shall vacate his office when he ceases to be a member of the sub committee.

(10) If any casual vacancy occures in the office of the Chairperson, the sub-committee concerned shall, after the occurrence of such vacancy, elect one of the members to fill such vacancy, and every persons so elected shall continue in office so long only as the person in whose place he is elected would, but for the occurrence of the vacancy have hold.

D. Joint Committee

Joint Committee.

19. A Municipality may concur with any other Municipality, or with more than one Municipality in constituting, a joint committee, for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the Municipality concerned.

Provided that no joint committee shall be appointed in pursuance of such concurrence without the previous approval of the Administrator.

E. Oath of Allegiance

Oath or affirmation by members.

20. (1) Notwithstanding anything contained in the Oath Act, 1969 every person who is elected to be a member or nominated under clause (*a*) of sub-section (2) of section 9 shall, before taking his seat, make at the meeting of the Municipality, an oath or affirmation of his allegiance to the constitution in the following form namely:—

"I,...., having being elected a member or nominated under clause (*a*) of sub-section (*2*) of section 9 swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India, and that I will faithfully discharge the duties upon which I am about to enter".

(*2*) Any person who having been elected as a member or nominated under clause (*a*) of sub-section (*2*) of section 9 fails to make, in three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (*1*), shall cease to hold his office and his seat shall be deemed to have become vacant.

(*3*) Any person who has been elected as a member or nominated under clause (*a*) of sub-section (*2*) of section 9 shall not take his seat at meeting of the Municipality or do any act as such member unless he has made the oath or affirmation as laid down in sub-section (*1*).

(*4*) Notwithstanding anything contained in sub-section (3), a Chairperson, Vice-Chairperson of the Chairperson or a member of a Sub-Committee, who has not made the oath or affirmation as a member shall not be entitled to act as such Chairperson, Vice-Chairperson, or member.

F. Declaration of Assets etc.

Declaration of assets

21. (*1*) Every member shall, not later than thirty days after making and subscribing the oath or affirmation under sub-section (*1*) of section 20 and before the last day of the same month in each succeeding year file with the Chairperson a declaration in such form as may be prescribed of all the assets owned by him and any member of his family and such declaration shall form part of the records of the Municipality.

(*2*) A person shall be disqualified for being a member—

(*a*) if he fails to file a declaration referred to in sub-section (*1*), or

(*b*) if he files a declaration under that sub-section which is either false or which he knows or believes to be false.

Explanation.—For the purpose of this section "family" means a spouse and dependent children of the member.

G. Officers and Servants

Secretary of the Municipality.

22. Every Municipality shall have a Secretary who shall be a whole time employee of the Municipality and shall be appointed by the Administrator.

Remuneration payable to Secretary.

23. The pay, allowance and other conditions of service of the Secretary shall be such as may be prescribed.

Appointment of Public Health Officer and Engineers.

24. (*1*) A Muncipality may, by special resolution, and if so required by the Administrator, shall appoint a Public Health Officer, an Engineer or a Water-Works or Electrical Engineer.

(2) Each such appointment and the salary and other conditions attaching thereto shall be subject to the approval of the Administrator.

(3) If a Municipality when required by the Administrator to do so fails within the reasonable time to appoint any such officer as aforesaid, the Administrator may appoint him and any officer so appointed shall be deemed to have been appointed by the Municipality.

Pension, leave allowances and provident fund.

25. (1) If an officer or servant of a Municipality is a person in the service of Government, the Municipality shall,—

(a) if his services are wholly lent to it, contribute to his pension, gratuity and leave allowance in accordance with the rules for the time being governing his conditions of service under Government; and

(b) If it devotes a part of his time to the performance of duties on behalf of a Municipality, contribute to his pension, gratuity and leave allowances in such proportion as may be determined by the Administrator.

(2) In case of an officer or servant of the Municipality who is not a government official the Municipality may subject to such conditions as the Administrator may by rules prescribe, grant him leave, absentee or acting allowance and,—

(a) grant him gratuity on retirement; or

(b) establish and maintain a provident or annuity fund and compel him to contribute thereto; of

(c) where such a fund has not been established or where such fund has been established but he has been contributing thereto for less than the whole of his service grant him a pension or gratuity or purchase or arrange for annuity for him on his retirement.

(3) If the sanction of the Administrator, a Municipality may grant a compassionate gratuity or grant or arrange for the purchase of an annuity to any officer or servant injured otherwise than by reason of his own default in the execution of his duty or where such injury results in his death, to the widow, children or other relatives dependent on him.

(4) Where an officer or servant dies in circumstances other than those referred to in sub-section (3), the Municipality may, with the sanction of the Administrator, grant a compassionate gratuity to the widow, children or other relatives dependent on him.

(5) A pension, gratuity or annuity shall not exceed the sum to which, under any rule or general or special order made by the Central Government, such officer or servant or his family would be entitled if the service had been service under Government.

(6) Nothing in this Regulation shall be deemed to prohibit the establishment of provident fund for officers and servants of the Municipality at such rates and under such conditions as the Municipality may, by bye-laws fix and apportion for such performance.

Pension etc., in case of service partly under government and partly under Municipality.

26. (1) If the person serving or having served under a Municipality has been or is transferred from or to the service of Government or is partly employed by the Government and partly by the Municipality, the Municipality shall contribute to his pension and leave allowances to such extent as may be required by any rules made by the Government concerned in this behalf.

(2) The Municipality shall not, save with the consent of the Administrator dispense with the services of any person employed as aforesaid without giving the Administrator six months previous notice.

Punishment, dismissal etc., of the Ppblic Health Officer and Engineer;

27. (1) A Municipality may, by special resolution and not otherwise, punish, dismiss or remove its Public Health Officer or Water Works or Electrical Engineer:

Provided that no such resolution as aforesaid shall be proposed until the officer concerned except when he is to be punished, dismissed or removed on the ground of his conviction on a criminal charge has been given a reasonable opportunity or showing cause against the action proposed to be taken in regard to him:

Provided further that where the officer concerned is in the service of Government and his services have been wholly or partly lent to the Municipality, no such resolution as aforesaid in respect of him shall be proposed, except with the previous sanction of the Administrator or of the head of his parent Department as the case may be.

(2) A resolution punishing, dismissing or removing any of the aforesaid officers shall be communicated to the officer concerned and shall not take effect until the expiration of fifteen days from the date when the communication was served on him, or, in the event of an appeal being filed by him under sub-section (3), until the appeal is decided.

(3) Any of the aforesaid officers may, within fifteen days of the receipt of notice of a resolution of punishment, dismissal or removal, appeal to the Administrator through the Chief Secretary and the Administrator shall thereupon either allow, disallow or vary the punishment, dismissal or removal.

(4) On receiving an appeal under sub-section (3) the Administrator may if he thinks fit suspend the officer concerned pending the decision of the appeal.

(5) The Administrator shall have authority to require in accordance with the procedure laid down in this section the dismissal or removal of any of the aforesaid officers in the case of proved incompetence.

Employment of other officers and servants.

28. Subject to the provisions of this Regulation and the rules and bye-laws made thereunder a Municipality may employ such other officers and servants belonging to Group 'C' & 'D' category for the efficient execution of its duties and may assign to such officers and servants such pay and allowance as it thinks fit:

Provided that such appointment should not exceed the sanctioned strength as per the Budget approved by the Administrator.

Protection of action taken in good faith.

29. No suit shall be maintainable against any officer or servant of a Municipality, or any member, or any person acting under the direction of such officer, servant or member in respect of anything in good faith done under the Regulation or any rule or bye-law made thereunder.

Provided that every such person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Municipality if such loss, waste or misapplication is a direct consequence of neglect or misconduct in the discharge of his duties under this Regulation; and a suit for compensation for the same may be instituted against him by the Municipality with sanction of the Deputy Commissioner or the Administrator.

Municipal officers to be public servants.

30. Every member and every municipal officer and servant shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Penalty for acquisition by Municipal Officer or servant of interest in contract or work.

31. If any Municipal officer or servant knowingly acquires, directly or indirectly, by himself or by partner or employer or servant, any share or interest in any work done for the Municipality or in any contract or employment with, by or on behalf of, the Municipality he shall be deemed to have Committed an offence under Section 168 of the Indian Code:

Provided that no person shall, by reason or being a share-holder in, or a member of, any company, be held to be interested in any contract entered into between such company and the Municipality.

CHAPTER IV

ELECTIONS

A. *Municipal Wards, Electoral Rolls, Voters and Candidates for Election*

Superintendence, direction and control of election.

32. (*1*) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Municipalities shall be vested in the Election Commission appointed under section 185 of the Andaman and Nicobar Islands (Panchayats) Regulation, 1994, and the Election Commissioner appointed under that section shall be deemed to be the Election Commissioner for the purposes of this Regulation.

(*2*) The Administrator shall when so requested by the Election Commission make available to that Commission such staff which the Administrator considers necessary for discharge of the functions conferred on the Election Commission by sub-section (*1*).

Municipal Wards.

33. (*1*) For the purposes of election to a Municipality every municipal area shall be divided into single member wards in such manner that the population of each ward shall, so far as practicable be the same throughout the municipal area.

(*2*) The Election Commission shall, by Order published in the Official Gazette determine,—

(*a*) the number of wards;

(*b*) the extent of each ward;

(*c*) the wards in which seats shall be reserved for Scheduled Tribes;

(*d*) the wards in which seats shall be reserved for women; and

(*e*) the manner in which seats reserved for Scheduled Tribes and women shall be rotated.

(3) For every municipal ward there shall be an electoral roll which shall be prepared and published every year under the superintendence direction and control of the Election Commission and shall contain such particulars in respect of the voters as the Election Commission may from time to time direct:

Provided that the Election Commission may, by notification, direct that no new electoral roll for any municipal ward shall be prepared and published in any particular year, and that the electoral roll previously published shall continue to be valid until the new electoral roll is published.

Qualifications for registration as voter for candidates in elections.

34. (1) A person shall not be deemed to be a voter of a municipal ward unless he is registered as such in the electoral roll for that ward.

(2) Subject to the provisions of this Regulation and of any other law for the time being in force, every person who—

(a) is a citizen of India,

(b) has attained the age of 18 years on the 1st day of January of the year for which the electoral roll is being prepared, and

(c) has the requisite qualifications in respect of residence shall be entitled to be so registered as a voter in the electoral roll for a municipal ward,

Provided that no person shall be entitled to be so registered if he—

(i) is of unsound mind and stands so declared by a competent court; or

(ii) is for the time being disqualified from voting under the provisions of section 42 or any other law relating to corrupt practices and other offences in connection with elections:

Provided further that no person shall be entitled to be so registered, the electoral rolls for more than one such ward in a municipal area or more than once in any electoral roll.

(3) For the purpose of sub-section (2), a person shall be deemed to have requisite qualifications—

(a) in respect of residence, if he has ordinarily resided in a dwelling (other than as an inmate or a patient in a prison or hospital) in the municipal ward concerned, for a period of not less than twelve months immediately preceding the 1st day of January of the year for which the electoral roll is being prepared;

(b) in respect of business premises, if he occupies any business premises in the municipal ward concerned, for a period of not less than twelve months immediately preceding the 1st day of January of the year for which the electoral roll is being prepared; and

(c) in respect of taxation, if he owns within the limits of the municipal ward concerned immovable property which is assessed to any municipal tax on the 1st day of April of the year immediately preceding the year of which the electoral roll is being prepared.

(4) Every person who is a voter of a municipal ward within a municipal area and who for a period of not less than six months commencing from the 1st day of January of the year during which an election is to be held has been residing in that municipal area shall, subject to the provisions of this Regulation and any other law for the time being in force, be qualified to be a candidate for election as a member of the Municipality in that municipal area:

Provided that no person shall be qualified to be a candidate for election as a member of a Municipality if he has not attained the age of 21 years.

B. *Election Petitions*

Power to question election.

35. (1) The election of any person as a member may be questioned by an election petition on the ground—

(*a*) that such person has committed during or in respect of the elections any corrupt practice as hereinafter defined;

(*b*) that such person was declared to be elected by reason of the improper rejection or admission of one or more votes, or that, for any other reason, he was not duly elected by a majority of lawful votes; or

(*c*) that such person was disqualified for being elected as a member under any of the provisions of this Regulation.

(2) The election of any person as a member shall not be questioned—

(*a*) on the round that the name of any person qualified to vote has been omitted from or the name of any person not qualified to vote has been inserted in, the electoral roll or rolls: or

(*b*) on the ground of any non-compliance with this Regulation or any rule, or of any mistake in the forms required thereby, or of any error, irregularity or informality on the part of the officer or officers charged with carrying out this Regulation or any rule, unless such non-compliance, mistake, error irregularity or informality has materially affected the result of the elections.

Definition of "corrupt practice".

36. A person shall be deemed to have committed a corrupt practice who directly or indirectly, by himself or by any other person—

(*i*) induces or attempts to induce by fraud, intentional misrepresentation, coercion or threat of injury, any voter to give or to refrain from giving a vote in favour of any candidate;

(*ii*) with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money, or valuable consideration or any place or consideration or any place or valuable consideration or any place or employment, or holds out any promise of individual advantage or profit to any person;

(*iii*) gives or procures the giving of a vote in the name of a voter who is not the person giving such vote;

(*iv*) abets (within the meaning of the Indian Penal Code) the doing of any of the acts specified in clause (*i*), (*ii*) or (*iii*); or

45 of 1860.

(*v*) commits any of the practices specified in section 123 of the Representation of the People Act, 1951.

43 of 1951.

Explanation: A "promise of individual advantage or profit to any person" includes a promise for the benefit of the person himself, or of any one in whom he is interested, but does not include a promise to vote for or against any particular municipal measure.

Form and presentation of election petition.

37. (*1*) An election petition or any application relating to the hearing of an election petition shall be presented to the District Judge within seven days from the date on which the result of the election was notified and shall specify the ground or grounds on which the election is questioned, and shall contain a summary of the circumstances alleged to justify the election being questioned on such grounds.

(2) The petition may be presented by any candidate in whose favour votes have been recorded and who claims in the petition to be declared elected in place of the person whose election is questioned, or by ten or more voters of the municipal area

(3) The person whose election is questioned and where the petitioner claims that any other candidate shall be declared elected in place of such person, every unsuccessful candidate who has polled more votes than such other candidate, shall be made a respondent to the petition.

Recrimiratory proceedings in election disputes.

38. Any respondent may give evidence to prove that any person in respect of whom a claim is made that such person be declared elected in his place or in priority to him should not be declared so elected, in the same manner as if he had presented a petition against the election of such person.

Procedure for hearing election petitions.

39. (*1*) Save as other wise provide by this Regulation or by any rule made thereunder, the procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall in so far as it may be applicable, be followed in the hearing of election petitions by the District Judge:

Provided that—

(*a*) two or more persons whose election is called in question may be made respondents to the same petition and their cases may be tried at the same time, and any two or more election petitions may be heard together: but so far as is consistent with such joint trial or hearing, the petition shall be deemed to be a separate petition against each respondent;

(*b*) the District Judge shall not be required to record or have recorded the evidence in full, but shall make a memorandum of the evidence sufficient in his opinion for the purpose of deciding the case;

(*c*) the District Judge may at any stage of the proceedings, require the petitioner to give security or further security for the payment of all costs incurred or likely to be incurred by any respondent; and

(*d*) the District Judge for the purpose of deciding any issue, shal only be bound to require the production of or to receive such evidence, oral or documentary as he may consider necessary.

(2) An order for the payment of costs, or an order for the realization of security bond for costs passed by the District Judge shall be executed in the same manner as if the amount to be recovered was an arrear of land revenue.

Finding of District Judge.

40. (1) If the District Judge after making such inquiry as he thinks necessary, finds in respect of any person whose election is called in question by petition, that his election was valid, the petition all be dismissed against such person with costs.

(2) If the District Judge finds that the election of any person was invalid, he shall either—

(a) declare a casual vacancy to have arisen, or

(b) declare another candidate to have been duly elected, which even course appears, in the particular circumstances of the case, to be more appropriate; and in either case the District Judge may award costs in his discretion.

(3) In the event of the District Judge declaring a causal vacancy to have arisen, he shall direct the Municipality to take proceedings for filling the vacancy.

Avoidance of election.

41. (*1*) Notwithstanding anything contained in section 39, if the District Judge, in the course of hearing an election petition, is of the opinion that the evidence discloses that corrupt practices at the election proceedings in question, have prevailed to such an extent as to render it advisable to set aside the whole of election proceedings, he shall pass a conditional order to this effect and give notice thereof to every candidate declared elected who has not already been made a party in the case, calling upon such candidate to show cause why such conditional order should not be made final.

(*2*) Thereupon every such candidate may appear and show cause, any may have re-called for the purpose of putting question to him, any witness who has appeared in the case.

(3) The District Judge shall thereafter either cancel the conditional order or make it absolute in which case he shall direct the Municipality to take measures for holding fresh election proceedings.

Disqual.fication for corrupt practice.

42. The District Judge may declare any candidate found to have committed any corrupt practice to be ineligible for being a member, or for being appointed or retained in any office or place in the gift or at the disposal of the Municipality or for being registered as a voter, for such period not exceeding five years as the District Judge may determine.

C. *Election Rules*

Conduct of elections and related matters.

43. The Administrator after consultation with the Election Commission may, by notification, make rules consistent with the Regulation, for the purpose of regulating all or any of the following matters, namely:—

(*a*) the preparation and revision of electoral rolls, and the adjudication of claims to be registered as voters and objections to registration;

(*b*) the nomination of candidates;

(*c*) the dates, time, and manner of holding elections, general or casual;

(*d*) the number of representatives proper foreach ward and reservation of seats for women;

(*e*) any other matter relating to elections or election petitions in respect of which this Regulation makes no provision or insufficient provision; and

(*f*) any other matter necessary for securing the due constitution of Municipalities.

CHAPTER V

A. *Duties and Powers of Municipal Authorities*

Duties and powers of municipality.

44. Subject to such exceptions and conditions as the Administrator may, from time to time, make and impose, it shall be the duty of every Municipality to make reasonable provision within the municipal area for—

(*a*) urban planning including town planning;

(*b*) regulation of land use and construction of buildings;

(*c*) planning for economic and social development;

(*d*) roads and bridges;

(*e*) water supply for domestic industrial and commercial purposes;

(*f*) public health, sanitation conservancy and solid waste management;

(*g*) fire services;

(*h*) urban forestry, protection of the environment and promotion of ecological aspects;

(*i*) safeguarding the interests of weaker sections of the society, including the handicapped and mentally retarded;

(*j*) slum improvement and upgradation;

(*k*) urban poverty alleviation;

(*l*) provision of urban amenities and facilities such as parks, gardens playgrounds;

(*m*) promotion of cultural, educational and aesthetic aspects;

(*n*) burials and burial grounds; cremations, cremation grounds and electric crematoriums;

(*o*) cattle pounds, prevention of cruelty to animals;

(*p*) vital statistics including registration of births and deaths;

(*q*) public amenities including street lighting, parking lots, bus stops and public conveniences;

(*r*) securing or removing dangerous buildings or places;

(*s*) constructing, altering and maintaining public streets other than major roads, culverts, markets, slaughter-houses, latrines, privies, urinals, drains drainage-work and sewerage-work subject, to the direction and general control of the Public Works Department;

(*t*) maintaining and developing the value of property vested in, or entrusted to, the management of the Municipality;

(*u*) preparing such returns, statements, and reports as the Administrator may require the Municipality to submit; and

(*v*) fulfilling any obligation imposed upon it by law.

Discretionary functions of Municipality.

45. (*1*) The Administrtor may direct that the Municipality shall make provision for any ofthe following matters within the municipal area, subject to any exceptions and conditions that may be laid down by the Administrator, namely:—

(*a*) reclaiming unhealthy localities;

(*b*) taking of census and registration of vital statistics;

(*c*) making arrangements for the confinement of destruction of stray dogs;

(*d*) securing, or assisting the securing of, suitable places for the carrying on of any dangerous or offensive trade or manufacture;

(*e*) establishing and managing ponds and performing such functions and of the State Government and the Magnistrate of the district as may be transferred to the Municipality under section 31 of the Cattle Trespass Act, 1871.

(*f*) holding fairs and exhibitions, and arranging entertainments, functions and public receptions, with the previous approval of the Administrator; and

(*g*) adopting any measure, other than a measure specified in section-42 or in this sub-section likely to promote the public safety, health or convenience.

(2) A Municipality may, with the previous approval of the Administrator, make provisions for the extension beyond the limi otf the Municipal area of the benefits of the Municipal undertaking.

(3) A Municipality may also make provision within or beyond the limits of the Municipal area for the doing of anything whereon expenditure is declared by the Administrator or by the Municipality with the sanction of the Administrator or by the Municipality with the sanction of the Administrator, to be an appropriate charge on the Municipal Fund.

Delegation of powers of municipality.

46. (*1*) Municipality may, subject to the provisions of section 63 by bye-law, empower a sub-committee or the Chairperson, or a Vice Chairperson, any member or the Secretary of the Municipality to exercise and perform subject to such conditions, restrictions and limitations as may be imposed by the Municipality all or any of the powers and duties conferred or imposed on the Municipality by any of the provisions of this Regulation.

(2) Any bye-law made under sub-section (1) may provide that any order passed in the exercise of the powers or performance of the duties so delegated shall, within such time as may be therein prescribed, be subject to appeal to, or revision by, the Municipality.

B. *Duties of Chairperson and Vice Chairperson*

Duties of Chairperson.

47. It shall be the duty of the Chairperson of a Municipality,—

(*a*) unless prevented by reasonable cause, to convene and preside at all meetings of the Municipality and to control in accordance with the bye-laws made in this behalf, the transaction of business thereat;

(*b*) subject to the provisions of this Regulation, Chairperson shall have general powers of inspection and may give direction to the Secretary with regard to the implementation of any resolution of the Municipality or a Sub-Committee in the discharge of any obligatory and discretionary functions of the Municipality and the Secretary shall comply with such directions. The Chairperson may call any record of the Municipality from the Secretary and the same shall be made available to him and shall be returned by him within fifteen days from the date they are made available;

(*c*) the Chirperson shall not be eligible to be elected as Chairperson of any sub-committee;

(*d*) if the Chairperson is, at the time of his election as Chairperson, the Chairperson or an elected member of a sub-committee he shall cease to hold office as such Chairperson or member of such committee.

(*e*) if any vacancy occurs in the office the Chairperson of any sub-committee,t he Chairperson shall convene a meeting of such committee for the election of another Chairperson.

(*f*) to perform such other duties as are required for or may be imposed upon him by or under this Regulation.

Duties of Vice-Chairperson.

48. (*1*) It shall be the duty of the Vice Chairperson present—

(*a*) to perform, during the continuous absence of the Chairperson from the city for more than eight days, or in incapacitated for more than eight days or during a vacancy in the office of Chairperson, the duties of the Chairperson described in section 45; and

(*b*) to perform such other duties as are required of or may be imposed upon him by or under this Regulation.

(2) A Vice Chairperson performing the duties of the Chairperson in the circumstances stated in Clause (*a*) of sub-section (*1*) shall have all the powers conferred on the Chairperson by or under this Regulation.

C. *Emergency Powers*

Extraordinary powers of Chairperson in cases of emergency.

46. (*1*) In case of emergency, the Chairperson of a Municipality may direct the execution of any work or the doing of any act which the municipality is empowered to execute or do; and the immediate execution or doing of which is, in his opinion, necessary for the preservation of the valuable property or for the safety of the public, and may also direct that the expense or executing such work or doing such act shall be paid from the Municipal Fund.

Provided that every direction given under this section shall be reported to the Municipality at its next following meeting.

(2) The Chairperson shall not act under this section in contravention of any express order of the Municipality.

(3) The Chairperson may, prohibit, until the matter has been considered by the Municipality, the doing of any act which is, in his opinion, undesirable in the public interest, provided that the act is one which the municipality has power to prohibit.

(4) No direction given under this section shall be questioned in any court on the ground that the case was not one of emergency.

Functions of Sub-Committees.

50. (1) The sub-committee for taxation and finance shall deal with all matters relating to finance, taxation, accounts and audit and all other matters not specifically assigned to the sub-committee for public health or the sub-committee for works which are required to be dealt with by or under this Regulation.

(2) The standing committee for public health shall deal with all matters relating to public health and sanitation. The sub-committee for works shall deal with all matters relating to public works, town planning and improvement.

(3) The Municipality shall, by bye-laws framed for the purpose, determine the powers and duties of each sub-committee, not specially provided for in this Regulation and may, by bye-laws, provide for a conference of two or more sub-committees or for the appointment out of such committee of a joint-committee for any purpose in respect of which they may be jointly interested.

(4) The sub-committee for taxation and finance, in addition to the powers and duties assigned to it under the bye-laws—

(*a*) shall supervise the utilisation of the budget grants;

(*b*) shall have access to the accounts of the municipality, and may require the Secretary to furnish any clarification which it considers to be necessary as to the receipts and expenditures of the Municipal fund;

(*c*) may conduct a monthly audit of the Municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding months as furnished by the Secretary; and

(*d*) may, subject to the approval of the Municipality, write off the amount of any loss, or depreciation caused to the Municipality property which appears to the committee to be irrecoverable:

Provided that where the amount of any such loss or depreciation exceeds rupees one thousand, it shall not be written off except with the previous sanction of the Municipality.

(5) The Municipality shall sanction such staff as may reasonably be required by the sub-committees to discharge their respective functions.

Delegation of powers to Secretary by sub-committee.

51. (*1*) Wherever it is provided by the Regulation or any other law for the time being in force that the Secretary may take action subject to the approval, sanction, consent or concurrence of a sub-committee, the sub-committee may, by resolution in writing, authorise him to take action in anticipation of its approval, sanction, consent or concurrence subject to such conditions, if any, as may be specified in such resolution.

(*2*) Whenever the Secretary, in pursuance of such resolution, takes any action in anticipation if the approval, sanction, consent or concurrence of a sub-committee, he shall forthwith inform the committee of the action so taken.

Functions of the Secretary

52. (*1*) Subject, whenever it is in this Regulation expressly so directed, to the approval or sanction of the Municipality or the sub-committee concerned and subject also to all other restrictions, limitations and conditions imposed by this Regulation or by any other law for the time being in force, the executive power for the purpose of carrying out the provisions of this Regulation and of any other law for the time being in force which imposes any duty or confers any power on the Municipality shall vest in the Secretary, who shall also—

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by or under this regulation or by any other law for the time being in force;

(*b*) in any emergency take such immediate action for the service or safety of the public or the protection of the property of the Municipality as the emergency shall appear to him to justify or to require, notwithstanding that such action cannot be taken under this Regulation without the sanction, approval or authority of some other municipal authority or of the Administration.

Provided that the secretary shall report forthwith to the sub-committee concerned and to the Municipality the action he has taken and the reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant under the provisions of this Regulation.

(*2*) Any powers, duties and functions conferred or imposed upon or vested in the Municipality by any other law for the time being in force shall, subject to the provisions of such law, be exercised, performed or discharged by the Secretary.

(3) All correspondence relating to any matter dealt with, by or under this Regulation or under any other law between the Municipality and the Government or other authority shall be conducted by the Secretary and the Secretary shall send copies of such correspondence to the Chairperson.

Delegation of Secretary's ordinary power

53. Subject to the rules made under the Regulation, the Secretary may delegate to any officer of the Municipality subordinate to him, any of his powers other than the powers under clause (*b*) of sub-section (*1*) of section 52.

Custody of records

54. The Secretary shall be responsible for the custody of all records of the Municipality including all papers and documents connected with the proceedings of the Municipality sub-committee and other committees.

CHAPTER VI

TRANSACTION OF MUNICIPAL BUSINESS

A. *Meetings*

Ordinary and special meetings.

55. (*1*) Every Municipality shall meet for the transaction of business at least once in every month at such time as may be fixed by the bye-laws.

(*2*) The Chairperson, may, whenever he thinks fit, and shall, on a requisition made in writing in this behalf by not less than one-fifth of the members, convene, an ordinary or a special meeting at any other time.

(*3*) Every meeting of a Municipality shall be either ordinary or special

(*4*) Any business of the Municipality may be transacted at an ordinary meeting unless required by this Regulation or the rules made thereunder to be transacted at a special meeting.

Quorum.

56. (*1*) The quorum necessary for the transaction of business at a special meeting of a Municipality shall be one-half of the number of elected members serving for the time being, but shall not be less than three.

(*2*) The quorum necessary for the transaction of business at an ordinary meeting of a Municipality shall be one third of the number of members serving for the time being, but shall not be less than three:

(*3*) If at any ordinary or special meeting a quorum is not present, the Chairperson shall adjourn the meeting to such other day as he may think fit, and that the business which would have been brought before the original meeting if there had been a quorum present, shall be brought before, and transacted at, the adjourned meeting whether there be a quorum present thereat or not.

Chairperson meeting

57. (*1*) At every meeting of a Municipality, the Chairperson, if present, shall preside.

(*2*) If the Chairperson is not present his place shall be taken by the Vice-Chairperson and if there be two Vice-Chairpersons then by the senior Vice-Chairperson and if he too is absent, by the junior Vice-Chairperson.

(*3*) If there be no Chairperson or Vice-Chairperson present, such one of the members as the members present may elect, shall preside as Chairperson.

Vote of majority decisive

58. Save as otherwise provided by this Regulation or any rule, all questions which come up at any meeting of the Municipality, shall be decided by a majority of the votes of the members present, the Chairperson of the meeting, in case of an equality of votes, having a second or casting vote.

Adjournment of meeting

59. Any meeting of a Municipality may, with the consent of a majority of the members present thereat, be adjourned to some other time and the business left undisposed of at such meeting shall be carried over with priority to the adjourned meeting.

Cancellation of resolutions.

60. No resolution of a Municipality shall be modified or cancelled within six months after the passing thereof—

(*a*) unless previous notice has been given to the members setting forth fully the resolution it is proposed to modify or cancel and the motion or proposition for its modification or cancellation; and

(*b*) otherwise than by a resolution supported by not less than one half of the total number of members serving at the time.

Minutes of the meeting

61. (*1*) Minutes of the proceedings at each meeting of the Municipality shall be drawn up and recorded in a book to be kept for the purpose shall be signed by the Chairperson of the meeting or of the next ensuing meeting, shall be published in such manner as the Administrator may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant of the municipal area.

(*2*) A copy of every resolution passed at any meeting of a Municipality shall, within ten days from the date of the meeting, be forwarded to the Deputy Commissioner.

Bye-laws for conduct of business

62. A Municipality may make bye-laws consistent with this Regulation and with the rules made thereunder to provide for all or any of the following matter, namely—

(*a*) the time and place of its meetings;

(*b*) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;

(*c*) the conduct of proceedings at meetings and adjournment of meetings;

(*d*) the custody of the common seal and the purposes for which it shall be used;

(*e*) the procedure of sub-committees appointed under section 18 the filling of casual vacancies therein, the number necessary to form a quorum at meetings thereof, and other matters relating to such committees.

(*f*) the person by whom receipts may be granted on behalf of the Municipality for money received under this Regulation.

(*g*) the appointment, duties executive powers, leave, suspension and removal of its officers and servants; and

(*h*) all other similar matters.

B. *Contracts and Conveyances*

Authority to contract.

63. (*1*) A Municipality may, subject to the provisions of this Regulation, delegate to one or more of its members or to the Secretary of the Municipality the power of entering on its behalf into any particular contract whereof the value or amount does not exceed two hundred rupees or into any class of such contracts.

(*2*) No contract by or on behalf of a Municipality whereof the value or amount exceeds two hundred rupees, shall be entered into until it has been sanctioned at a meeting of the Municipality.

Mode of executing contracts and transfer of property.

64. (*1*) Every contract made by or on behalf of a Municipality whereof the value of amount exceeds one hundred rupees shall be in writing and shall be signed by two members of whom the Chairperson or a Vice-Chairperson shall be one and countersigned by the Secretary:

Provided that, when the power of entering into any contract on behalf of the Municipality has been delegated under section 63, the signature or

signatures of the members or members (or the signature of the Secretary) to whom the power has been delegated shall be sufficient.

(2) Every transfer of immovable property belonging to a Municipality other than a lease for a term not exceeding one year shall be made by an instrument in writing, executed by the Chairperson or a Vice-Chairperson and by at least two members of the Municipality whose execution thereof shall be attested by the Secretary.

(3) No contract or transfer executed otherwise than in conformity with the provisions of this section shall be binding on a Municipality.

C. MUNICIPAL BUDGET

Budget.

65. (1) Every Municipality shall have prepared and laid before it, at a meeting to be held in every year before such date as is fixed by rules in this behalf, a complete account of the actual and expected receipts and expenditure for the year ending on the thirty first day of March next following such date, together with a budget estimate of the income and expenditure of the Municipality for the year commencing on the first day of April next following.

(2) The Municipality shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and by special resolution, sanction a budget which shall be submitted to the Administrator.

(3) The Municipality may vary or alter from time to time as circumstances may render desirable, by special resolution, the budget sanctioned under sub-section (2).

Revised budget.

66. As soon as may be after the first day of October, a revised budget for the year shall be framed and such revised budget shall so far as may be subject to all the provisions applicable to a budget made under section 65.

Special provisions as to budget.

67. (1) In framing a budget the Municipality shall provide for the maintenance of such minimum closing balance (if any) as the Administrator may by order in writing prescribe.

(2) Notwithstanding anything contained in this Regulation the budget of the Municipality shall be subject to the sanction of the Administrator and that the power to vary or to alter the budget under sub-section (3) of section 65 shall be subject to such conditions as may be imposed by the Administrator.

Expenditure not to exceed budget allotment.

68. (1) Where a budget has been passed, the Municipality shall not incur any expenditure under any of the heads of the budget, other than a head providing for the refund of taxes, in excess of the amount passed under that head, without making provision for such excess by the variation or alteration of the budget.

(2) Where any expenditure under any head providing for the refund of taxes is incurred in excess of the amount passed under that head, provision shall be made without delay for such expenditure by the variation or alteration of the budget.

CHAPTER VII

MUNICIPAL FINANCE, PROPERTY AND TAXATION

A MUNICIPAL FINANCE

Municipal Fund.

69. (*1*) There shall be formed for each Municipality a fund to be called the Municipal Fund, and there shall be placed to the credit thereof,—

(a) the proceeds of all taxes, fines (other than the fines imposed by a court), penalties and fees levied under this Regulation;

(b) all sums received by, or on behalf of, the Municipality under this Regulation;

(c) all sums transferred or carried to the credit of the Municipality under any of the provisions of this Regulation or any other law for the time being in force;

(d) all rents and profits accruing from property vested in the Municipality or managed by it; and

(e) all sums assigned to the Fund by the Administrator or by any other authority and all sums contributed thereto by any committee, authority or private person

(*2*) The Municipal Fund shall vest in Municipality and the balance at its credit shall be kept in the State Bank of India or, with the previous sanction of the Administrator in any scheduled bank as defined in the Reserve Bank of India Act, 1934;

Provided that any portion of such balance may, with the previous sanction of the Amdinistrator be kept in the Post Office Savings Bank or be invested in such Government securities as may be approved by the Administrator:

Provided further that such sum, not exceeding an amount specified in this behalf by the Administrator as is required for day to day expenses of a Municipality may be kept by the Municipality at the Municipal office in safe custoday.

Certain sums may be carried to credit of Municipality.

70. The Central Government may, by notification declare that all fines and any other sums recovered from persons convicted of offences committed within the municipal area against this Regulation or any rule or bye-law made thereunder, or against any other law for the time being in force, shall be carried to the credit of the Municipality of that area.

Application of Municipal Funds.

71. (*1*) The Municipal Fund shall be charged with the paymnet of expenses on—

(i) fulfilment of any liability or obligation arising from trusts legally imposed upon on accepted by, the Municipality;

(ii) the municipal establishment including such subscriptions and contributions as are payable by the Municipality under this Regulation and the rules made thereunder;

(iii) auditing the accounts of the Municipality;

(iv) such other matters as may be specified by the Administrator, from time to time.

(2) Subject to the charges specified in sub-section (1) and to such rules as may be made by the Administrator with respect to the priority to be given to the several duties of the Municipality, the Municipal fund shall be applicable to the payment of expenses incurred for the purpose of any object or duty which is to be or may be undertaken by the Municipality in accordance with the provisions of this Regulation.

Construction of Finance Commission.

72. (1) The Finance Commission constituted under section 186 of the Andaman and Nicobar Islands (Panchayats) Regulation 1994, shall review the financial position of the Municipalities and make recommendations to the President as to,—

(a) the principles which should govern,—

(i) the determination of taxes, duties, tolls and fees which may be assigned to or appropriated by the Municipalities;

(ii) the grants-in-aid to the Municipalities from the Consolidated Fund of India;

(b) the measures needed to improve the financial position of the Municipalities;

(c) any other matter referred to the Finance Commission by the President in the interest of sound finances of the Municipalities.

Accounts and audit.

73. (1) Subject to the provisions of this Regulation, or any rule or bye-law made thereunder, every Municipality shall keep and maintain a detailed account of its receipts and expenditure.

(2) The accounts of receipts and expenditure kept and maintained by a Municipality shall be examined and audited in such manner the Administrator by rules prescribe in this behalf.

8. *Municipal Property*

Property vested in Municipality

74. (1) Subject to any special reservation made, or to any special conditions imposed, by the Administrator, all property of the nature hereafter in this section specified and situated within, or, where expressly so provided beyond any municipal area, shall vest in and be under the control of the Municipality and shall be held and applied by it for the purposes of this Regulation, that is to say—

(a) all public markets slaughter-houses and other buildings of every description (whether within or beyond the municipal area) which have been constructed or are maintained out of the Municipal Fund.

(b) all public streams, tanks well, springs and works, (whether within or beyond the Municipal area) for the supply storage or distribution of water for public purposes within the municipal area, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto and any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains culverts and water-courses in alongside, or under any street and all works materials and things appertaining thereto;

(*d*) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind or dead bodies of animals, collected by the Municipality from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the Municipality under this Regulation;

(*e*) all public lamps, lamp posts and apparatus connected therewith or appertaining thereto;

(*f*) all land or other property, within beyond the municipal area, transferred to the Municipality by the Central Government or acquired by gift, purchase, or otherwise for local public purposes; and

(*g*) all public streets (other than major roads) not being open spaces or lands owned by Government and the pavements stones and other materials thereof, and also all trees erections, materials, implements and things provided for such streets

(2) Where any immovable property is transferred otherwise than by sale by the Central Government to a Municipality for public purposes, it shall be deemed to be a condition of such transfer unless specially provided to the contrary, that should the property be at any time resumed by or under the authority of the Central Government, the compensation payable therefor shall, notwithstanding anything to the contrary in any law for the time being in force, in no case exceed the amount, if any, paid to the Central Government for the transfer, together with the cost or the present value, whichever is less, of any buildings erected or other works executed on the land by the Municipality.

Management public institutions.

75. (1) The management, control and administration of every public institution maintained out of Municipal Fund shall vest in the Municipality.

(2) When any public institution has been placed under the direction management and control of a Municipality all property, endowments and funds belonging thereto shall be held by the Municipality in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed:

Provided that the extent of the independent authority of the Municipality in respect of any such institution may be defined by the Administrator:

Provided further that nothing in this section shall be held to prevent the vesting of any trust-property in the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1890. of 1890

Acquisition of land.

76. When any land, whether within or without the limits of a municipal area, is required for the purposes of this Regulation, the Administrator may, at the request of the Municipality, take suitable steps under the provisions of any law for the time being in force, to make such land available to the Municipality and on payment by the Municipality of all such changes as may be determined by the Administrator the land shall vest in the Municipality.

Explanation.—When any land is required for a new street or for the improvement of an existing street the Municipality may request for, in

addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street, and such land shall be deemed to be required for the purposes of this Regulation.

Transfer of property vesting in Municipality.

77. (*1*) A Municipality may, subject to rules made in this behalf by the Administrator, transfer by sale, mortgage, lease, gift, exchange or otherwise any property vested in it, not being property held by it on any trust the terms of which are inconsistent with the right so to transfer.

(2) Notwithstanding anything contained in sub-section (*1*) a Municipality may, with the sanction of the Administrator, transfer to Government any property vesting in the Municipality under section 74 or section 75 but not so as to affect any trust or public rights subject to which the property is held.

Saving of Act 9 of 1914.

78. Nothing in this Regulation shall affect the provisions of the Local Authorities Loans Act, 1914.

C. *Municipal Taxation*

Definition of "annual value".

79. For the purposes of this Regulation "annual value" means—

(*a*) in the case of land, the gross annual rent at which it may reasonably be expected to let from year to year:

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part exempted or remitted, the Administrator may direct that the annual value shall be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not, or, when the land-revenue has been wholly or in part exempted or remitted, double the amount which, but for such exemption or remission, would have been leviable;

(b) in the case of any house or building, the gross annual rent at which such house or building, together with its appurtenances and any furniture that may be let for use or enjoyment therewith, may reasonably be expected to let from year to year subject to the following deductions, namely:—

(*i*) such deduction not exceeding twenty per centum of the gross annual rent as the Municipality may consider a reasonable allowance on account of the furniture let with the house or building;

(*ii*) a deduction of ten per centum of the balance of the gross annual rent after allowing the deduction (if any) under sub-clause (*I*) for cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross annual rent;

(*iii*) where land is let with a building, such deduction, not exceeding twenty per centum of the gross annual rent, as the Municipality may consider reasonable on account of the actual expenditure, (if any) annually incurred by the owner on the upkeep of the land in a state to command such gross annual rent;

(*c*) in the case of any house or building the gross annual rent of which cannot be determined under clause (*b*) five per centum of the sum obtained by adding the estimated present cost of erecting the building less such amount as the Municipality may deem reasonable to be deducted on account of depreciation (if any) to the estimated market value of the site and any land appertaining to the house or building;

Provided that—

(*i*) in the calculation of the annual value of any premises, no account shall be taken of any machinery thereon; and

(*ii*) where, in the opinion of the Municipality, the annual value of any building would, by reason of exceptional circumstances, be excessive, if calculated in accordance with the foregoing provisions of this section, the Municipality may fix the annual value at such less amount as appears to it equitable.

Explanation I.— For the purposes of clause (*b*), it is immaterial whether the house or building, and the furniture and the land let for use or enjoyment therewith, are let by the same contractor by different contracts and, if by different contracts, whether such contracts are made simultaneously or at different times.

Explanation II.—The expression "gross annual rent" does not include any tax payable by the owner in respect of which the owner and tenant have agreed that it shall be paid by the tenant.

Taxes which may be imposed.

80. (*1*) Subject to such general or special orders as the Administrator may make, a Municipality may, in the manner provided by this Regulation impose any of the following taxes in the whole or any part of the municipal area, namely:—

(*a*) a tax on buildings or lands or both, payable by the owner, not exceeding,—

(*i*) ten per centum of the annual value; or

(*ii*) fifty paise per square metre of the ground area per annum; or

(*iii*) rupees three per running foot of frontage in streets and bazars per annum.

(*b*) a tax on persons practising any profession or art, or carrying on any trade or calling within the municipal area;

Provided that the total amount of such tax payable by any one person, shall not exceed two hundred and fifty rupees per annum.

(*c*) a tax, payable by the owner, on all or any class of vehicles all or any class of animals or dogs, when the vehicles, animals or dogs, as the case may be, are kept within the municipal area;

(*d*) a tax of the nature of a toll on vehicles and animals used for riding, driving, draught or burden and entering the municipal area;

Provided that—

(*i*) no tax shall be levied in respect of any vehicle or animal for which a tax is paid under clause (*c*);

(*ii*) any owner of such vehicle or animal may compound for the tax by paying the corresponding tax under clause (*c*) if such tax is in force in the municipal area,

(*e*) an octroi or a terminal tax on animals or dogs or goods brought into or sent out of the municipal area;

Provided that no tax under this clause shall be imposed except with the previous sanction of the Administrator to the proposals for the imposition thereof;

(*f*) a tax to meet the cost of constructing or maintaining works for the supply of water to the municipal area payable by the occupier or, if there be no occupier, by the owner, on the annual value of such buildings or lands are as so situated that their occupiers can benefit by the works:

Provided that the rate of tax payable by any such occupier or owner as the case may be, shall be determined having regards, among other considerations, to the distance of the buildings or lands from the nearest point at which the water can be delivered from the works to their level:

Provided further that no such tax shall be leviable in respect of buildings or lands which are assessed to the general water-rate or the special water-rate as hereinafter provided;

(g) a general water-rate payable by the inhabitants of the municipal area, or a special water-rate for water supplied by the Municipality under section 102 which may be assessed in any form including that of charges for such supply:

Provided that no such rate shall exceed the limit or limits prescribed by the Administrator from time to time;

(*h*) a lighting rate not exceeding three per centum of the annual value of holdings:

Provided that such rate shall not be levied in an area where lighting arrangements have not been made;

(*i*) rates for general conservancy or house scavenging on such scales, terms and conditions as may be approved by the Administrator from time to time;

(*j*) a tax on advertisement;

(*k*) a fee for grant of permission to erect a building other than a hut;

(*l*) a fee for parking of buses, lorries taxis and other vehicles where parking facilities or terminus for buses, lorries, taxis and other vehicles are provided by the municipality; and

(*m*) any other tax which may be authorised by the Administrator.

(2) Notwithstanding anything contained in this Regulation or any other law for the time being in force, the property belonging to Government shall be exempt from all taxes mentioned in clauses (a), (c), (d), (e), (f) and (h) of sub-section (1).

(3) Notwithstanding anything contained in this Regulation, all taxes, rates, fees, or cesses which were being lawfully levied before the commencement of this Regulation shall, until some other provision is made under this Regulation, continue to be levied and collected in the same manner in which they were being levied and collected before such commencement.

Procedure in imposing taxes.

81. (1) Every Municipality shall, before imposing any tax, observe the procedure prescribed in this section.

(2) The Municipality shall, by a resolution passed at a special meeting frame proposals specifying the following particulars, namely:—

(a) the nature of the tax having regard to the provisions of section 80;

(b) the persons or class of persons on whom, and the description of property or other taxable things or the circumstances in respect of which, the tax is proposed to be levied;

(c) the amount or scale of the tax;

(d) the rules regulating the levy of the tax; and

(e) any other matter which the Administrator may by general or special order, require to be so specified.

(3) The Municipality shall publish the proposals in such manner as may be prescribed by the Administrator and shall also publish a notice inviting the objections and suggestions in writing of the persons likely to be affected by such proposals, within a period of not less than one month of the date of such publication.

(4) After the expiry of the period referred to in sub-section (3), the Municipality shall at a special meeting, take into consideration the objections and suggestions of the aforesaid persons received (if any) and shall then either confirm its resolution referred to in sub-section (2) with or without modification, amendment, addition or alterations, or abandon such resolution.

(5) When a resolution has been confirmed by the Municipality under sub-section (4), it shall be presented to the Administrator who may—

(a) give his approval to the resolution after making any change in its form which appears to him to be necessary; or

(b) refuse to give his approval to the resolution; or

(c) return the resolution to the Municipality for reconsideration in the light of such suggestions as may be made by him.

(6) If the Administrator gives his approval to a resolution, he shall notify the resolution together with any rules which he may make under section 203 in respect of the tax and shall also specify a date, not earlier than three months from the date of such notification, from which the tax shall come into force and be levied;

Provided that a tax leviable by the year shall not come into force except on the first day of January, April, July or October in any year; and if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing.

(7) When the Administrator refuses to give his approval to a resolution, it shall be returned to the Municipality.

(8) When the Administrator returns a resolution to the Municipality, the Municipality may either abandon such resolution or may, after reconsideration, amend alter or vary such resolution; and the resolution so amended, altered or varied shall be presented to the Administrator and be disposed of by him in the manner provided in sub-section (5).

(9) The procedure prescribed in this section shall apply to any proposal to increase or decrease the amount of, to extend or curtail the scope or effect of any tax.

(10) A notification under sub-section (6) in respect of a tax shall be conclusive evidence that such tax has been imposed in accordance with the provisions of this Regulation.

Power of Administrator to suspend taxes.

82. Notwithstanding anything contained in this Regulation, if at any time it appears to the Administrator on a complaint that any tax imposed under this Regulation, is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interest of the general public, he may require the Municipality to take within a specified period, measures to remove the objection indicated by him; and, if within that period, the requirement is not complied with to the satisfaction of the Administrator, he may, by notification suspend the levy of such tax, or of such part thereof, as the case may be, until the objection has been removed.

Preparation and publication of assessment list.

83. (1) Every Municipality shall cause an assessment list of all buildings and lands on which any tax is imposed to be prepared, containing—

(a) the name of the street or muhalla in which the property is situated;

(b) a description of the property sufficient for the identification thereof;

(c) the names of the owner and occupier if known;

(d) the annual value and the particulars on which the annual value is based; and

(e) the amount of the tax assessed thereon by the Municipality.

(2) When the assessment list has been completed the Municipality shall give public notice thereof, and of the place where the list of a copy thereof may be inspected; and every person claiming to be either the owner or the occupier of the property included in the list, and any authorised agent of such person, shall be at liberty to inspect the list and to make extracts there from without charge.

Diposal of objections.

84. (*1*) The Municipality shall, at the time of the publication of the assessment list, give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment and in all cases in which any immovable priperty is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or the occupier of the property.

(*2*) Every objection to a valuation or assessment shall be in writing setting forth the grounds on which the valuation or assessment is disputed and shall be left at the office of the Municipality before the time fixed in the note.

(*3*) The Municipality, or such sub-committee or officer of the Municipality or of Government as it may by special resolution appoint in this behalf, shall consider every objection duly made and shall, after giving the objector an opportunity of being heard in support thereof either in person or by duly authorised agent, dispose it of and make such consequential amendment (if any) as is necessary in the assessment list.

Authentication of list.

85. (*1*) When the Municipality or the sub-committee or the officer appointed in that behalf under sub-section (*3*) of section 84, has disposed of the objections and made the necessary amendments in the assessment list in the manner prescribed in that sub-section, the Chairperson or the members of the sub-committee or the Officer as aforesaid, as the case may be, shall authenticate it and at the same time certify that no valid objection has been made to the valuation and assessment contained in the list except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of April next ensuing and, in the case of a tax imposed for the first time, for the period between the date on which the tax comes into force and such first day of April.

(*2*) The list when so authenticated shall be deposited in the office of the Municipality and shall there be open during office hours to all owners or occupiers of the property included therein or the authorised agents of such persons, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment list and annual revision.

86. (*1*) The Municipality may, after giving notice to any person affected by the amendment, of a time, not less than one month from the date of service, at which the amendment is to be made, at any time amend the list by inserting the name of any person whose name ought to have been or ought to be inserted, or by inserting any property which ought to have been or ought to be inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, whether on the part of the Municipality or of the assessee, or, where in the case of a tax payable by the occupier, a change in the tenancy has taken place, by altering the name of occupier.

(*2*) Any person interested in any such amendment may tender an objection to the Municipality in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person, or by authorised agent, as he may think fit.

(3) It shall be in the discretion of the Municipality to prepare a new assessment list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may, in particular cases, be deemed necessary, as the valuation and assessment for the year following, giving to persons affected by such alterations the same notice of the valuation and assessment as if a new assessment as if a new assessment list had been prepared.

Notice to be given to Municipality of all transfers of title of persons primarily liable to payment of property tax.

87. (1) Whenever the title to or over any building or land of anyperson primarily liable for the payment of property taxes on such property is transferred, the transfer shall, within three months of the registration of the deed of transfer if it is registered, or if it is not registered within three months of its execution,, or if no instrument is executed, within three monthe of the actual transfer, give notice in writing of such transfer to the Municipality.

(2) Every person primarily liable for the payment of a tax on any immovable property who transfers his title to or over such property without giving notice of such transfer to the Municipality as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue to be liable for the payment of all such taxes from time to time payable in respect of the said property until it gives such notice, or until the transfer shall have been recorded in the Municipality's books.

(3) Nothing in this section shall be held to diminish the liability of the transferee for the said taxes or to affect the prior claim of the Municipality for the recovery of the taxes due on any immovable property.

Remission of tax on unoccupied immovable property.

88. (1) When any property assessed to a tax under clause (*a*), (*g*) *or* (*i*) sub-section (1) of section 80 which is payable by the year or by instalments, has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the Municipality shall remit the amount of the tax or of the instalment, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the Municipality within the first month after the expiry of the period in respect of it is so claimed.

(2) When any such property as aforesaid—

(*a*) has not been occupied or productive of rent for any period of not less than ninety consecutive days; or

(*b*) consists of separate tenements, one or more of which has or have not been occupied or productive of rent for any such period as aforesaid; or

(*c*) is wholly or in greater part demolished or destroyed by fire or otherwise,

the Municipality may remit such portion (if any) of the tax or instalment as it may think equitable, but the portion so remitted shall not in any case falling only under clause (a) exceed one half of the tax or the instalment, as the case may be.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For the purposes of this section, neither the presence of a care-taker not the mere retention in an otherwise unoccupied dwelling house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section, a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

Recovery of property taxes payable by owner.

89. (1) When any sum is due on account of a tax payable under this Regulation in respect of any immovable property by the owner thereof, the Municipality shall cause a bill for the amount stating the property and the period for which the charge is made, to be delivered to the person liable to pay the same.

(2) If the bill is not paid within ten days from the delivery thereof, the Municipality may cause a notice of demand to be served on the person liable to pay the same and, if he does not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear shall, subject to any claim on behalf of Government, be, a first charge on the property in respect of which it is payable, and shall besides being recoverable in any other manner provided by this Regulation, be recoverable, on application made in this behalf by the Municipality to the Collector, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorise the arrest of a defaulter.

(4) If any tax or sum leviable under this Regulation from the owner is recovered from the Occupier, such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

Power to examine article liable to octroi or terminal tax and to search.

90. (1) Every person bringing or receiving within the octroi or terminal tax limits of a municipal area any article on which octroi or terminal tax is payable shall, when required by an officer duly authorised by the Municipality in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable—

(*a*) permit that officer to inspect examine, weigh or otherwise deal with the article; and

(*b*) communicate to that officer any information, and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

(2) If any person bringing or receiving within the Octroi or terminal tax limits of a municipal area a conveyance or packing on which octori or terminal tax is or is believed to be leviable, refuses, on the demand of an officer authorised by the Municipality in this behalf, to permit the officers to inspect, weigh or otherwise examine the contents of the conveyance or package for the

purpose of ascertaining whether it contains any articles in respect of which octroi or terminal tax is payable, or refuses to communicate to that Officer any information or to exhibit to him any bill invoice or document of a like nature, which he may possess relating to the article, or with the intention of defrauding the Municipality, communicates any such information which is false or exhibits any such bill, invoice or document of a like nature which is false, forged or fraudulent, he shall be punishable with fine which may extend to rupees fifty.

(3) Any such person may demand that the conveyance or package or both, as the case may be, shall be taken without unnecessary delay before a member or the Secretary or a Magistrate, who shall cause the inspection to be made in his presence.

Penalty for evasion of octroi or terminal tax

91. If goods passing the octroi or terminal tax boundary of a municipal area are liable to the payment of Octroi or terminal tax, then every person who, with intention to defraud the municipality, introduces or attempts to introduce within the said Octroi or terminal tax boundary any such goods upon which payment of the Octroi or terminal tax due on such introduction has neither been made nor tendered, or causes or abets such introduction, shall be punishable with fine which may extend either to ten times the value of such octroi or terminal tax, or to fifty rupees, whichever amount is greater.

Summary recovery of octroi or terminal tax.

92. (1) In the case of non-payment of any octroi or terminal tax, on demand, the officer empowered to collect the same may seize any article on which the octroi or terminal tax is chargeable, or any part of its burden of sufficient value to satisfy the demand under the cover of a seizure memo in presence of witnesses. A copy thereof be handed over to the concerned person after obtaining his acknowledgement on the body of original seizure memo.

(2) The Municipality, after the lapse of five days from the seizure and after the issue of a proclamation fixing the time and place of sale, may cause any property so seized, or so much thereof as may be necessary, to be sold by public auction to satisfy the demand and the expenses occasioned by the seizure, custody and sale thereof, unless the demage and the expenses are in the meantime paid:

Provided that, by order of the Chairperson or a Vice-Chairperson, articles of perishable nature which cannot be kept for five days, without serious risk of damage, may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper

Appeal against taxation

93. (1) An appeal against the assessment or levy of, or against the refusal to refund, any tax under this Regulation shall lie to the Administrator or such officer as may be empowered by him in this behalf.

(2) if, on the hearing of an appeal under this section, any question as to the liability to, or the principle of, assessment of a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement which his own opinion on the point for the decision of the Administrator.

(3) On a reference being made under sub-section (2), the subsequent, proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Section 113 of the Code of Civil Procedure, 1908 and Order XLVI in the First Schedule to that Code.

(4) In every appeal, the costs shall be in the discretion of the officer deciding the appeal.

(5) Costs awarded under this section to a Municipality shall be recoverable by the Municipality as if they were arrears of a tax due from the appellant.

(6) If a Municipality fails to pay any costs awarded to an appellant within 10 days after the date of the order for payment thereof, the officer awarding the costs may order the person having custody of the balance of the Municipal Fund to pay the amount.

Limitations.

94. No appeal shall be entertained under section 93 unless the appellant has paid all other municipal taxes due from him to the Minicipality upto the date of such appeal, and unless it has been preferred—

(*a*) where it refers to a tax on any land or building, within one month of the publication of the notice prescribed by section 85 or sub-section (3) of section 86 or of the date of the final order under section 86, as the case may be; or

(*b*) where it refers to any other tax, within one month of the date on which a demand was made therefor:

Provided that an appeal may be entertained after the expiry of the period referred to in clause (*a*) or clause (*b*), as the case may be, if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

Tax not invalid for defect of form.

95. No assessment and no charge of demand of any tax made under this Regulation, shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of Form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Remissions and exemptions.

96. (1) A Municipality may exempt, in whole or in part, for any period not exceeding one year, from the payment of any tax, any person who by reason of poverty is, in its opinion, unable to pay the same, and may renew such exemption as often as may be necessary.

(2) A Municipality, by a resolution passed at a special meeting, may—

(*a*) provide that any person or all persons may be allowed to compound for any tax imposed under clause (*e*) of sub-section (1) of section 80; or

(*b*) subject to the control of the Administrator—

(*i*) abolish suspend or reduce in amount any tax imposed under section 80; or

(ii) for special reasons exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

(3) The Administrator may, by order in writing, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Duty of furnishing true information regarding liability to Municipal taxation.

97. (1) Every person shall, on the demand of an officer, duly authorised by the Municipality in this behalf, furnish such information as may be necessary in order to ascertain whether such person is liable to pay any municipal tax; and every hotel or lodging-house keeper or secretary of a residential club shall also on demand made as aforesaid furnish a list of all persons residing in such hotel, lodging-house or club.

(2) If any person so called upon to furnish such information omits to do so or furnishes information which is untrue, he shall be punishable with fine, which may extend to one hundred rupees.

Taxes when payable.

98. Subject to the provisions of sub-section (6) of section 81 and of sub-section (1) of section 85, any tax imposed under this Chapter and payable periodically shall be payable on such dates and in such instalments (if any) as the Municipality may direct.

Taxation not to be questioned except under Regulation.

99. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Regulation.

Refunds.

100. No refund of any tax shall be claimable by any person otherwise than in accordance with the provisions of this Regulation and the rules.

CHAPTER VIII

Public Health and Safety

A. Water Supply

Provision of water.

101 (*1*) In a municipal area in which a general water-rate is levied clause (g) of sub-section (1) of section 80, the Municipality shall, and in any other case a Municipality may, provide a supply of drinking water within the municipal area and shall cause such tanks, reservoirs engines, pipes, taps and other works as may be necessary for the said purpose to be constructed and maintained, whether within or without the municipal area and shall erect sufficient stand-pipes or other conveniences for the gratuitous supply of water to the public.

(*2*) The Municipality shall, as far as possible, make adequate provision to ensure that such supply is continuous throughout the year, and that the water is at all times pure and fit for human consumption.

Supply of water.

102 (*1*) A Municipality may, on application by the owner or occupier of any building, arrange for supplying water from the nearest main to the same for domestic purposes, in such quantities as it thinks reasonable, and may, if it considers necessary, limit the amount of water to be so supplied.

Explanation.—A supply of water for domestic purposes shall not be deemed to include a supply—

(*a*) for any trade, manufacture or business;

(*b*) for gardens or for purposes of irrigation;

(*c*) for building purposes;

(*d*) for fountains, swimming baths, or for any ornamental or mechanical purposes;

(*e*) for animals, where they are kept for sale or hire for the sale of their produce or any preparation therefrom;

(*f*) for watering roads or paths.

(2) A Municipality may with the sanction of the sub-committee supply water for any purpose other than a domestic purpose on receiving an application specifying the purpose for which the supply is required and the quantity likely to be consumed:

Provided that the Municipality may withdraw such supply at any time if it should appear necessary to do so in order to maintain a sufficient supply of water for domestic purposes.

(3) For all water supplied under this section, payment shall be made to the Municipality at such special rate or rates as may be prescribed under clause (*g*) of sub-section (1) of section 80.

Making connection with municipal water works.

103. Where water is to be supplied under section 102, all necessary communication pipes and fittings shall be supplied by the Municipality and the working of laying and applying such communication pipes and fittings shall be executed by the municipal agency under the orders of the Municipality :

Provided that the cost of making any such connection and of all communication pipes and fittings so supplied and of all work so executed shall be paid by the owner or the person making the application for water supply

Provided further that the Municipality may, if it thinks fit, provide a meter and charge rent for same, or may require the owner or applicant to provide a meter of such size, material and description as it may approve.

Obligation of owner or occupier and power of the Municipality to cut off water supply

104. (*1*) Any owner or occupier of any building or land in or on which water supplied under this Regulation is misused due to negligence or other circumstances under his control, or is used without permission in excess or the quantity, fixed under section 102 or in which the pipes, mains or other works are out of repair to such an extent as to pass waste of water, shall if he has knowledge thereof, be bound go give notice of the same to such officer as the Municipality may appoint in this behalf.

(*2*) If any person whose premises are supplied with water neglectes to pay the water rates or any sum payable in respect of the water supplied under this Regulation, or to give notice as provided under sub-section (1) or wilfully or negligently misuses or causes waste of water the Municipality may, after giving him such notice as it deems reasonable in the circumstances cut off the supply of water from his premises.

B. Protection from fire

Equipment for rendering assistance in extinguishing fire.

105. A Municipality may equip itself with such implements, appliances and other materials as it may think necessary for rendering assistance in extinguishing fires and protecting life and property when fires occur.

Power of certain persons for suppression of fire.

106. (*1*) On the occasion of a fire in a municipal area, any Magistrate, the Secretary or any member of the Municipality, or any member of a fire-brigade then and there directing the operations of men belonging to the brigade or any police-officer directed by a Magistrate may—

(*a*) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property.

(*b*) close any street or passage in or near which any fire is burning

(*c*) for the purpose of extinguishing the fire, break into or through or pull down any premises, or cause any premises to be broken into or through or to be pulled down or used for the passage of houses or other appliances;

(*d*) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(*e*) call on the persons in charge of any fire engine to render such assistance as may be possible; and

(*f*) generally, take such measures as may appear necessary for the preservation of life or property.

() When any Government building is endangered by fire the officer of the Public Works Department for the time being in charge of the building may exercise the powers conferred on a Magistrate by sub-section (1)

() No person shall be liable to pay damages for any act done by him in good faith under this section.

() Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire

() The powers conferred by this section shall be subject to any conditions or restrictions which may be imposed by the Administrator

C Drains and privies

Powers of the Municipality in respect of drains privies etc

107 () A Municipality may by notice require the owner of any building or land in the municipal area -

(*a*) to provide move or remove any drain privy latrine urinal cesspool or other receptacle for filth or refuse or provide any additional drains privies latrines urinals cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land in such manner and of such pattern as the Municipality may direct,

(*b*) to have any privy, latrine or urinal provided with some shut out by a sufficient roof, wall or fence from the view of persons passing by or dwelling in the neighbourhood or to remove or alter as the Municipality may direct any door or trap-door of a privy latrine or urinal opening on any street or or

(*c*) to close demolish, repair, alter or put in good order any drain privy latrines urinal cesspool or receptacle for any filth or refuse.

() A Municipality may by notice require any person who constructs in the municipal area any new drain privy latrine urinal cesspool or receptacle for filth or refuse without its permission in writing or contrary to its directions or to the provisions of this Regulation or of any bye law or who constructs rebuilds or opens any drain privy latrine urinal cesspool or receptacle for filth or refuse which it has ordered to be demolished or closed or not to be made to demolish the drain, privy latrine urinal cesspool or receptacle or to make such alteration therein as it thinks fit .

() A Municipality may by notice require any person who without its permission in writing newly erects or rebuilds any building over any sewer drain culvert, water-course or water-pipe vested in the Municipality to pull down or otherwise deal with the same as it may think fit.

Removal of latrines, etc., near any source of water supply.

108. (*1*) A Municipality may by notice require the owner or occupier of any land on which any drain, privy latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet or any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

(*2*) Whoever without the permission of the Municipality fails to comply with the requirement of the notice referred to in sub-section (1) shall be punishable with fine which may extend to twenty-rupees and with a further fine not exceeding ten rupees for each day during which the offence is continued after the lapse of the period allowed for compliance therewith.

Improperly discharging sewage and making or altering drains without authority.

109. Whoever without the permission of the Municipality,—

(*a*) causes or knowingly or negligently the water on any sink, sewer or cesspool or any other offensive matter to flow, drain or be put upon any street or public place or into any sewer or drain, not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees;

(*b*) makes or causes to be made, or alters or causes to be altered, any drain leading into any sewer or drain vested in the Municipality shall be punishable with fine which may extend to fifty rupees.

D. Laying and connecting pipes, sewers and the like

Power to lay or carry mains, pipes, drains or sewers for water supply, etc.

110. A Municipality may lay or carry any main, pipe drain, sewer or channel of any kind for the purpose of carrying out establishing or maintaining any system of water supply, drainage or sewerage through, across, under or over any road or street or any place laid out or intended as a road or street, or after giving not less than fourteen days notice in writing to the owner or occupier into through across, under or over any land or building situated within the municipal area, and may at all times do all acts and things which may be necessary or expedient for repairing or maintaining any such main, pipe, drain, sewer or channel, as the case may be, in an effective state for the purpose for which the same may be used or intended to be used:

Provided that no nuisance or interference with the rights of the owner or occupier to the enjoyment of such land or building, shall be created by any such operation to any larger extent than what is absolutely necessary for the proper execution of the work:

Provided further that no such operation into through, across, under or over any major road or Government building or land, shall be carried out except with the permission in writing of the Public Works Department :

Provided also that reasonable compensation shall be paid to the owner or occupier for any damage at the time sustained by him on account of, or direct occasioned by, the carrying out of any such operation.

Connection mains etc.

111. (*1*) No person shall, without the permission of the Municipality at any time make or cause to be made, any connection or communication with any main, pipe, drain, sewer or channel constructed or maintained by or vested in a Municipality for any purpose whatsoever.

(*2*) A Municipality may prescribe the size of the ferrules to be used for the supply of water and may establish meters or other appliances for the purpose of testing the quantity or quality of any water supplied to the premises of any person or to or for the use of any person or business.

(*3*) The ferrules, communication pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith leading from mains, pipes, drains, sewers or channels into any building or land and the pipes, fittings and works inside any such building or within the limits of any such land, shall in all cases be executed subject to the inspection by and to the satisfaction of the Municipality.

(4) A Municipality may fix the fees to be charged for the establishment by or through its agency of communications from, and connections with mains or pipes for the supply of water and may levy such fees.

E. Disposal of surface water

Troughs and pipes for rain water.

112. (1) The Municipality by notice require the owner of any building or land to put up and keep in good condition proper troughs and pipes for receiving and carrying the water including the rain water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

(2) For the purpose of efficiently draining any building or land in the municipal area, a Municipality may by notice in writing—

(a) require any court-yard alley or passage between two or buildings to be paved with such materials and in such manner as may be approved by it; and

(b) require such paving to be kept in proper repair.

F. Bathing and washing places

Bathing and washing places.

113. (1) A Municipality may set apart suitable places in the Municipal area for the purposes of bathing and may specify the times at which and the sex of the persons by whom such places may be used and may also set apart suitable places for washing animals or clothes, or for any other purposes connected with the health, cleanliness or comfort of the inhabitants of the municipal area; and may, by public notice, prohibit the bathing or washing of animal or clothes in any public place not so set apart, or at times or by persons other than those specified and any other act by which water in public places may be rendered foul or unfit for use and may charge fees for the use of such places by any specified class or classes of persons or by the public generally.

(2) A Municipality may fix, by notice places at which articles or clothing, bedding or other articles which have been exposed to infection shall be washed and no person shall wash any such articles at any place in the Municipal area not so fixed.

G. Cleaning

Removal and deposit offensive matter.

114. A MMnicipality may fix places within or with the approval of the Deputy Commissioner beyond the limits of them municipal area for the deposit of refuse rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals and may by public notice give directions as to the time manner and conditions at in and under which such refuse rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Failure to remove offensive matter.

115. Whoever, being the owner or occupier of any building or land in a municipal area, keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle or pit, any dirt, dung, bones ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle or pit to be in a filthy or noxious state or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Penalty for nuisance.

45 of 1860.

116. Whoever commits or permits any servant or for member of his household or any person under his control to whom the provisions of section 82, section 83 or section 84 of the Indian Penal Code are applicable to commit a nuisance upon any street or into any public sewer or drain or any drain communicating therewith shall be punishable with fine which may extend to twenty rupees.

H. House Cl ning

Definition of house cleaning.

117. For the purpose of this Regulation, "house-cleaning" means the removal of filth rubbish odour or other offensive matter from a privy latrine, urinal, cesspool or other common receptacle for such matter in, or petaining to a building including its appurtenances.

Undertaking of house cleaning by Municipality.

118. (*1*) t shall be the duty of every Municipality to make such arrangements and to maintain a system of such servants, for house-cleaning, as it may deem fit.

() The Municipality shall charge such rate or rates for house-cleaning as may be prescribed unde r clause (*i*) of sub-section () of section 80.

(*3*) Any servant of a Municipality who is employed in house-cleaning may, at all reasonable times, do all things necessary for the . roper performance of any house-cleaning undertaken by the Municipality.

(*4*) All matter removed by the servants of a Municipality in the course of house-cleaning shall belong to the Municipality.

Disposal of dead animals.

11 ·. (*1*) Whenever any animal in the charge of any person in a municipal area dies otherwise than by slaughter, the person in charge thereof shall within twenty-four hours either——

(*a*) convey the carcass to a place (if any) fixed by the Municipality under section 114 for the disposal of the dead bodies of animals, if no such place has been fixed, to some suitable place at least one mile beyond the limits of the municipal · area; or

(*b*) give notice of the death to the Municipality whereupon the Minicipality shall cause the carcass to be disposed of.

(*2*) In respect of the disposal of the dead body of an animal under clause (*b*) of sub-section () the Municipality may change such fee as it may, by public notice, prescribe in this behalf.

(*3*) For the purposes of this section "animal" means and includes all horned cattle elephants camels horses ponies asses mules, deer sheep goats, swine and other large animals.

(*4*) Any person who fails to comply with the provisions of sub-section (), shall be punishable with fine which may extend to ten rupees.

I. Slaughter Place

Place for slaughter of animals for sale.

120. A Municipality may, with the approval of the Deputy Commissioner, appoint premises for the slaughter of animals for sale or of any specified description of such animals and may, with the like approval grant licence for the use of such premises or if they belong to the Municipality charge rent or fees for the use of the same.

Animals to be slaughtered for sale at authorised places only.

121. (*1*) Wher a Municipality has appointed any premises under section 120 no person shall slaughter any animal for sale at any other place within e munic pal area.

() Any person who contraven s the provisions of sub-section (), shall be punishable with fine which may extend to twenty rupees.

7. Food

Control of sale of food.

122. A Municipality may regulate by bye-laws the keeping of any place in the municipal area as a hotel, restaurant lodging house, tea-stall, bakery, confectionery or aerated water factory, or as a market or shop for the sale of fruit vegetables, sweetmeats, milk, animals, meat, fish, eggs, fowls or anything intended for human food, and such bye-laws may prohibit the keeping of any place for any such purpose save under and in accordance with the conditions of a licence granted in that behalf by the Municipality.

Penalty for feeding animals on deleterious substances.

123. Whoever, feeds or allows to be fed on any deleterious substance, filth or refuse of any kind any animal which is kept, or is intended to be used, for the supply of milk or food to the inhabitants of a municipal area, shall be punishable with fine which may extend to fifty rupees.

K. Dangerous Diseases

Information to be given on infectious or contagious diseases.

124. Whoever—

(*a*) being the owner or occupier of any dwelling other than a public hospital in a municipal area, and being cognizant of the existence of any infectious or contagious disease therein ; or

(*b*) being the person in charge of, or in attendance on, any person suffering from any such disease in such dwelling and being cognizant of the existence of such disease therein,

fails to give information to such officer as the Municipality may prescribe in this behalf, or gives false information respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees :

Provided that a person such as is referred to in clasuse (*b*) shall not be punishable if he had reasonable cause to believe that the information had been, or would be, duly given by a person such as is referred to in clause (*a*).

Disinfection of buildings and articles.

125. (*1*) If a Municipality is of opinion that the cleansing or disinfecting of a building in the municipal area or any part thereof, or of any article there in, which is likely to retain infection will tend to prevent or check the spread of any disease, or is otherwise necessary it may, after giving a notice to the owner or occupier, cause the same to be cleansed or disinfected in such manner as it may deem fit.

(*2*) Whoever knowingly lets a house or other building in a municipal area or part of such a house or building, in which any person has been suffering from an infectious or contagious disease without having such house or building or part thereof and all articles therein liable to retain infection disinfected to the satisfaction of the Municipality, shall be punishable with fine which may extend to two hundred rupees.

Provision of places and appliances for disinfection.

126. In any municipal area, the Municipality may—

(*a*) provide proper places with all necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection;

(*b*) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by it ; or

(*c*) direct any clothing, bedding, or other articles likely to retain infection to be destroyed :

Provided that the Municipality shall give compensation for any article destroyed under this section.

Penalty for acts done by persons suffering from certain disorders.

127. Whoever, while suffering from an infectious, contagious or loathsome disease or disorder,—

(*a*) makes or offers for sale any article of food or drink for human consumption or any medicine or drug ; or

(*b*) wilfully touches any such article, medicine or drug, when exposed for sale by others, or

(*c*) takes any part in the business of washing or carrying soiled clothes, shall be punishable with fine which may extend to twenty rupees.

Prohibition by Municipality of use of unwholesome water.

128. If a Municipality, on the report of the Senior Medical Officer or Health Officer, considers that the water in any well, tank or other place in the municipal area is likely, if used for drinking, to generate or cause the spread of any dangerous disease, it may—

(*a*) by public notice prohibit the removal or use of such water for drinking;

(*b*) by notice require the owner or person having control of such well, tank or place to take such steps as may be specified in the notice to prevent the public from having access to or using such water ; or

(*c*) take such steps as it may, on the advice of the Senior Medical Officer or Health Officer, consider expedient to prevent the generation or spread of any such disease.

L. Burial and Burning-Places

Appointment of places as burial or burning-grounds.

129. (1) A Municipality shall with the previous approval of the Senior Medical Officer, by public notice, appoint places which shall be used as burial or burning-grounds, and shall also define the limits of such places.

(2) No burial or burning-ground, whether public or private, shall be made or formed in a municipal area or within one mile thereof without the permission in writing of the Municipality.

(3) No person shall, without the permission of the Municipality, bury or burn, or cause or permit to be buried or burnt, any corpse at any place in the municipal area except a place appointed by the Municipality as a burial or burning ground.

(4) Whoever contravenes the provisions of sub-section (2) or sub-section (3), shall be punishable with fine which may extend to fifty rupees.

Control over removal of corpses.

130. (1) A Municipality may, by public notice, prescribe routes for the removal of corpses to burial or burning-grounds.

(2) Whoever carries a corpse along a route prohibited by the Municipality, or in a manner likely to cause annoyance to public, shall be punishable with fine which may extend to ten rupees.

M. Dangerous or Insanitary Buildings and Places

Powers to require building, wells, tanks, etc., to be secured.

131. If any building, tank reservoir, pool depression or excavation in a municipal area, is, for want of sufficient repair, protection or enclosure, dangerous to the persons dwelling or working therein or in the neighbourhood thereof or to persons passing by, the Municipality may, by notice, require the owner or occupier thereof to repair, protect or enclose the same, and if the requirement of such notice is not complted with, the Municipality shall forthwith take, at the expense of the owner, any steps which it thinks necessary for the purpose of averting imminent danger.

Powers to order removal or repair of buildings, etc. in dangerous state.

132. If in any municipal area any building, wall or structure or any thing affixed thereto, or any bank or tree, is deemed by the Municipality to be in a ruinous state or in any way dangerous, the Municipality, may, by notice, require the owner thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall, structure or bank as the Municipality may consider necessary for the public safety, and, if the requirement of such notice is not complied with, the Municipality shall forthwith take, at the expense of the owner, any steps which it thinks necessary for the purpose of averting imminent danger.

Powers to order cleansing of filthy building or land.

133. If the owner or occupier of any building or land in a municipal area suffers the same to be in a filthy or unwholsome state the Municipality may by notice require him within twenty-four hours to cleanse the same or otherwise put it in a proper state and thereafter to keep it in a clean and proper state and if it appears to the Municipality to be necessary for sanitary purposes to do so it may at any time by notice direct the occupier of any building in the municipal area to lime-wash or otherwise cleanse that building inside or outside in such manner and within such period as may be specified in the notice.

Power to require owner to clear away noxious vegetation.

134. A Municipality may by notice, require the owner or occupier of any land in the municipal area to clear away and remove therefrom any thick vegetation or undergrowth which may appear to the Municipality to be injurious to health or offensive to persons residing in the neighbourhood.

Power to require hedges and trees to be trimmed.

135. A Municipality may, by notice, require the owner or occupier of any land in the municipal area to cut or trim within three days the hedges growing thereon and bordering on any street or any branches of trees growing thereon which overhan any street and obstruct the same or cause danger or which so overhang any well tan or other source from which water is derived for public use as to be likely to pollute the water thereof.

Prohibition of cultivation, use of manure or irrigation injurious to health.

136. If the Senior Medical Officer certifies that the cultivation of any description of crop or the use of any kind of manures or the irrigation of land in any specified manner—

(*a*) in any place with in the limits of the municipal area is injurious or facilities practices which are injurious to the health of persons dwelling in the neighbourhood; or

(*b*) in any place within or beyond the limits of the municipal area is likely to contaminate the water-supply of the municipal area or otherwise renders it unfit for drinking purposes.

the Municipality may, with the appproval of the Administrator by public notice, prohibit the cultivation of such crop the use of such manure, or the use of the method of irrigation so reported to be injurious or impose such conditions with respect thereto as may prevent such injury or contamination:

Provided that, when on any land to which such notice applies the act prohibited been practised during the five years immediately preceding the notice in the ordinary course of husbandry compensation shall be paid from the Municipal Fund to all persons interested therein for any damage caused to them by the effect or such notice

N. Dangerous or Offensive Trades

Regulation of offensiv and dangerous trades.

137. () No place within a municipal area shall be used—

(*a*) for melting tallow or fat;

(*b*) for boiling or drying bones offal or blood;

(*c*) as a soap-house, oil-boiling-house, tannery, or barber's shop;

(*d*) as a brick-field, brick-kiln, pottery or lime kiln;

(*e*) as any other manufactory, engine-house or place of business from which offensive or unwholesome smell noises, fumes or smoke arise;

(*f*) as a yard or depot for trade in hay straw, thatching grass, dry leaves wood charcoal, or coal or other dangerously inflammable material; or

(*g*) as a store-house for any explosive, or for petroleum or any inflammable oil or spirit

except under a licence granted by the Municipality which shall be renewable annually.

() The licence shall not be withheld unless the Municipality considers that the business which is intended to be established or maintained would be the cause of annoyance, offence or danger to persons residing in or frequenting, the immediate neighbourhood or that for general reasons the establishment of such business in the locality is undesirable

() The Municipality may charge fees according to a scale to be fixed by bye-laws for such licences and may impose such conditions in respect thereof as it may think necessary

() Whoever, without a licence or in contravention of the condition of any such licence, uses any place for any such purpose as is specified in this section shall be punishable with fine which may extend to fifty rupees and in the case of continuing offence, with a further fine which may extend to ten rupees for every subsequent day during which the offence is continued.

Penalty for negligence in quarrying, blasting, cutting timber or building.

138. Whoever in a municipal area quarries, blasts cuts timber or carries on building operations in such manner as to cause or to be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to rupees fifty.

O. Fairs

Provision of police protection at fairs.

139. The Administrator may provide special police protection on the occasion of any fair, agricultural show or industrial exhibition managed by a Municipality or for the purpose of guarding houses in a municipal area evacuated on account of epidemic and the Municipality shall pay such charges in respect of such protection as the Administrator may determine in this behalf.

Power to levy fees at fairs.

140. A Municipality may levy fees, not exceeding such amounts as the Administrator may fix in this behalf, by notification, on persons attending a fair on which the Municipality incurs expenditure and on persons exposing goods for sale or plying any occupation for gain.

P. Brothels

Powers over disorderly houses and prostitutes.

141. (*1*) A Municipality may, by notice, prohibit in any specified part of the municipal area—

(*a*) the keeping of a brothel; or

(*b*) the residence of a public prostitute.

(*2*) Whoever fails to comply with a notice issued under sub-section (*1*) shall be punishable with imprisonment for a term which may extend to eight days or with fine which may extend to rupees one hundred and in the case of a continuing failure, with a further fine which may extend to ten rupees for every subsquent day during which the failure continues.

Powers to close down brothels.

142. On the complaint of the Municipality or of three or more inhabitants of a municipal area that a house in the municipal area is used as a brothel, or by disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, or that any such house is used as a brothel in the neighbourhood of any educational institution, boarding-house or place of worship, any Magistrate of the First Class having jurisdiction in the place where the house is situated, may summon the owner or tenant of the house, and on being satisfied that the house is so used and that it is a source of annoyance or offence to the neighbours, or that it is in the neighbourhood of any educational institution, boarding-house or place of worship, may order the owner or tenant to discontinue such use of its and if such owner or tenant fails to comply with such order within five days, the Magistrate may impose upon him a fine which may extend to fifty rupees for every day thereafter during which the house has been so used.

Q. Animals

Disposal of mad and stray dogs and other animals.

143. (*1*) A Municipality may—

(*a*) authorise any person—

(*i*) to destroy or cause to be destroyed or to confine or cause to be confined, for such period as the Municipality may direct any dog or other animal found in the municipal area suffering or reasonably suspected to be suffering from rabies, or bitten by any dog or other animal suffering or suspected as aforesaid;

(*ii*) to confine, or cause to be confined any dogs found wandering about streets of public places without collars or other marks distinguishing them as private property;

(*b*) charge a fee for any dog confined under sub-clause (*ii*) of clause (*a*) and destroy or otherwise dispose of any such dog if the dog is not claimed and the fee not paid within one week;

(*c*) by public notice issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property found straying on the street or beyond the enclosures of the houses of the owners of such dogs may be destroyed and destroy or cause them to be destroyed accordingly.

(2) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

Penalty for keeping animal so as to be injurious to health.

144. Whoever, in a municipal area, keeps any swine in disregard of any orders which the Municipality may give to prevent them from becoming a nuisance or keeps any other animal so as to be injurious to the health of the inhabitants or of animals or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees and in the case of a continuing offence with further fine which may extend to five rupees for every subsequent day during which the offence is continued.

R. Other nuisances

Penalty for beating drums, etc.

145. Whoever, in contravention of any general or special prohibition issued by a Municipality without the permission of the Municipality beats a drum or tom-tom, blows a horn or trumpet or beats or sounds any brass or other instrument or utensil, shall be punishable with fine which may extend to twenty five rupees.

Explanation.—In the case of an offence under this section committed by a band, each individual member of such band shall be so punishable.

Penalty for discharging fire arms, etc.

146. Whoever in a municipal area, discharges fire arms or lets off fireworks, fire balloons or detonator, or engages in any game in such a manner as to cause or be likely to cause danger to persons passing by or dwelling in the neighbourhood or risk of injury to property shall be punishable with fine which may extend to twenty rupees.

Prohibition of collecting inflammable materials, etc.

147. A Municipality may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit the stacking or collecting of timber, wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of a fire in any place, or within any limits in the municipal area which may be specified in the notice:

Provided that no such notice shall be issued except with the previous approval of the Deputy Commissioner.

CHAPTER I

STREETS

A. General

Power to close streets.

148. A Municipality may, with the previous approval of the Administrator

(*a*) close temporarily any public street or any part thereof for any public purpose;

(*b*) divert, discontinue or close permanently any public street other than a major road; or

(*c*) sell its interest in the land forming a public street other than a major road or any part thereof, if not required for the purposes of this regulation

Power of permitting temporary occupation of streets, etc.

149. A Municipality may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the saftey or convenience of persons passing by or dwelling or working in the neighbourhood and may charge fees for such permission :

Provided that in the case of a major road, no such permission shall be granted except with the previous approval of the Public Works Department.

B. *Encroachments and Obstructions*

Penalty for altering, obstructing or encroaching upon streets.

150. (1) Whoever without the written permission of the Municipality builds or erects any immovable encroachment upon the ground level of any street or on a sewer, drain or water-course in a municipal area, or builds or makes any immovable overhanging structure projecting into a street at a point above the said ground level, shall be punishable with fine which may extend to fifty rupees

(2) The Municipality may, by notice, require the owner or occupier of any building to remove or alter such immovable encroachment or overhanging structure as aforesaid and no compensation shall be claimable in respect of such removal or alteration.

Removal of projections and obstructions in streets.

151. (1) Whoever in a municipal area, without the written permission of the Municipality

(*a*) places in front of any building any movable encroachment upon the ground level of any street or over or on any sewer, drain or water-course, or erects any movable overhanging structure projecting into the street at a point above the said ground level; or

(*b*) takes up or alters the pavement or other materials or the fences or posts of any street; or

(*c*) deposits building materials, goods for sale or other article or merchandise in any street; or

(*d*) makes any hold or excavation in or under any street, or removes materials from beneath any street so as to cause risk of subsidence

shall be punishable with fine which may extend to fifty rupees.

(2) The Municipality may,—

(*i*) summarily remove or cause to be removed by the police, any such movable encroachments or overhanging structures and any such materials, goods or articles of merchandise; and

(*ii*) take action summarily to restore the street to the condition it was in before any such alteration excavation or damage,

and the expenses of such restoration shall be recoverable from the offender,

Explanation.—For the purposes of this section movable encroachment includes a seat or settle, and movable overhanging structure includes an awning or any material.

Removal of projections and payment of compensation.

152. In cases to which the provisions of section 150 or section 151 do not apply the Municipality may, subject to the payment of reasonable compensation by notice require the owner or occupier of any building in the municipal area to remove or alter any balcony projection, structure or verandah overhanging any street or projecting into or encroaching on any street, or any drain sewer or aqeuduct therein

Power to regulate line of buildings in streets.

153. (1) If any building or part of a building projects beyond the regular line of a street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the Municipality may whenever such building or part has been either entirely or in greater part taken down or burnt down or has fallen down by notice, require such building or part when being re-built to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the Municipality :

Provided that the Municipality shall make full compensation to the owner for any damage which he may sustain in consequence of his building or any part thereof being set back

(2) The Municipality may, on such terms as it thinks fit allow any building to be set forward for the improvement of the line of the street.

(3) The provisions of this section shall apply to the rounding off of dangerous or inconvenient street corners

C. *Miscellaneous provisions as to streets*

Power to attach brackets for lamps on houses.

154. A Municipality may attach to the outside of any building in the municipal area, brackets for lamps in such manner as not to occasion any injury to such building or other inconvenience.

Penalty destroying direction-posts, lamp-posts, etc.

155. Whoever, without being authorised by the Municipality, defaces or disturbs any municipal direction-post lamp-post or lamp, or extinguishes any municipal light in any public place, shall be punishable with fine which may extend to ten rupees.

Penalty for bill-sticking without permission.

156. Whoever without the consent of the owner or occupier of other person for the time being incharge affixes any posting bill, notice placard or other paper or means of advertisement against or upon any building wall tree board fence or pale in a municipal area or writes upon soil deface or marks any such building wall tree, board fence or pale with chalk or paint or in any other way whatsoever shall be punishable with fine which may extend to twenty rupees.

Names to streets and numbers to buildings.

157. (1) A Municipality may cause a name to be given to any street and a name-plate to be affixed on any building therein in such place as it may think fit and may also cause numbers to be affixed to buildings in the municipal area.

(2) Whoever destroys pulls down or defaces any name plate or number affixed to any street or building under this section or puts up any different name or number from that put up by other of the Municipality shall be punishable with fine which may extend to twenty rupees.

D. *Street Nuisances*

Penalty for picketing animals and collecting carts.

158. Whoever, without the permission of the Municipality pickets animals or collects carts on any street or uses any street as a halting place for vehicles or animals of any description or as a place or encampment or causes or permits animals to stray therein shall be punishable with fine which may extend to twenty rupees.

Penalty for driving vehicles without proper lights.

159. Whoever between such hours as may be prescribed by bye-laws drives or propels in any street anyvehicle which is not proerly supplied with lights shall be punishable with fine which may extend to twenty rupees.

Penalty for certain offences.

160. (1) Whoever in a street—

(*a*) exposes goods for sale so as to cause obstruction,

(*b*) negligently lets loose any animal or suffers any ferocious dog to be at large without a muzzle or sets on or urges any dog or any animal to attack worry or put in a fear any person or cattle;

(*c*) begs importunately for alms or exposes or exhibits with the object or exciting charity or of exhorting alms, any sores wounds bodily ailment or deformity;

(*d*) wilfully and indecently exposes his person or commits a nuisance by easing himself or omits to prevent any child under his care or custody from committing such nuisance; or

(*e*) is found drunk and incapable of taking care of himself or behaving in any riotous disorderly or indecent manner,

shall be punishable with fine which may extend to fifty rupees.

(2) Whoever cruelly beats, ill-treats tortures or drives rides or otherwise uses any animals in an unfit state to be so driven, ridden or used, or causes any animal to be cruelly beaten ill-treated tortured or to be driven, ridden or used shall be punishable with imprisonment which may extend to eight days, or with fine which may extend to one hundred rupees or with both.

(3) Provisions of this section shall be in addition to and not in derogation of any other law for the time being in force.

CHAPTER X

Buildings

Definitions.

161. For the purpose of this Chapter a person is said to erect or re-erect a building who makes any material alteration or enlargement of a building or any part thereof.

Explanation —An alteration in a building shall be deemed to be material, if it—

(*a*) affects or is likely to affect prejudicially the stability or safety of the building or the condition of the building in respect of drainage, ventilation, sanitation or hygiene or

(*b*) increases or diminishes the height or cubical capacity of or the area covered by the building or reduces the cubical capacity of any room in the building below the minimum prescribed in any bye-law or

(*c*) converts into a place for human habitation a building or part of a building originally constructed for other purposes, or

(*d*) involves the addition of any rooms, out-houses or other structures to any building, or

(*e*) involves the constructions, in a wall adjoining any land not belonging to the owner of the wall of a door opening on to such land, or

(*f*) is in alteration of any kind which has been declared by any bye-law to be a material alteration.

Prohibition of building without sanstion.

162. (1) No person shall erect or re-erect or commence to erect or re-erect any building in a municipal area without the sanction of the Municipality.

(2) Every person who intends to erect or re-erect any building shall give notice in writing to the Municipality of such intention.

(3) The Municipality may, by bye-laws,—

(*a*) prescribe the manner in which notice of the intention to erect or re-erect a building shall be given to the Municipality; and

(*b*) require that with every such notice there shall be furnished a site plan of the land on which it is intended to erect or re-erect such building and a plan and specification of the building of such character and with such details as the bye-laws may require in respect of all or any of the following matters, namely :—

(*i*) the free passage or way to be left in front of the building;

(*ii*) the space to be left about the building to secure free circulation of air and to facilitate scavenging and for the prevention of fire;

(*iii*) ventilation, and the provision and position of drains, privies, latrines, urinals or cesspools;

(*iv*) the level and width of the foundation, the level of the lowest floor, and the stability of the structure; and

(*v*) the line of frontage with neighbouring buildings, if the building abuts on a street.

(4) Where bye-laws have been framed under this section, on notice under sub-section (2) shall be valid until the information if any required by such bye-laws has been furnished to the satisfaction of the Municipality.

Power to make bye-laws as to mode of construction of buildings.

163. A Municipality may, by bye-laws, regulate in respect of the erection or re-erection of any buildings within the municipal area or any part thereof—

(*a*) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys;

(*b*) the materials and method of construction and position of fire-places chimneys, drains, latrines, privies, urinals and cesspools;

(*c*) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(*d*) the ventilation and the space to be left about the building to secure the free circulation of air and for the prevention of fire;

(*e*) the line of frontage where the building abuts on a street;

(*f*) the number and height of the storeys of which the building may consist; and

(*g*) the means to be provided for egress from the building in case of fire.

Special provision for cases where bye-laws have not been made.

164. In any case in which no bye-laws have been made under sub-section (3) of section 162 the Municipality may, within fourteen days of the receipt of the notice referred to in sub-section (2) of that section, require a person who has given such notice to furnish, within one week of the receipt by him of the requisition, information on all or any of the matters as to which bye-laws might have been made and in such case the notice shall not be valid until such information has been furnished.

Dispensation from bye-laws.

165. A Municipality may, by resolution dispense with the observance of any or all of the bye-laws made under sub-section (3) of section 162 in regard to the erection or re-erection of any building specified in the resolution:

Provided that no such resolution shall be proposed except with the previous sanction of the Administrator.

Powers to refuse sanction to build.

166. Within one month after the receipt of the notice required by sub-section (2) of section 162 the Municipality may refuse to, sanction the building or may sanction it either absolutely or subject to such modifications as it thinks fit in respect of all or any of the matters specified in sub-section (3) of that section, and the person erecting or re-erecting any such building shall comply with the sanction of the Municipality as granted in every particular:

Provided that if the Municipality neglects of omits, for two months after the receipt of a valid notice, to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

Explanation—The Municipality may refuse to sanction the erection or re-erection or any building either on grounds affecting the particular building or in pursuance of a general scheme sanctioned by the Administrator restricting the erection or re-erection of buildings or any class of buildings within specified limits for the prevention of overcrowding or in the interest of the residents within such limits or for any other public purpose, and sanction may also be refused in any case in which there is any dispute between the Municipality and the applicant as the land on which it is proposed to erect the building until such dispute is decided.

Lapse of sanction to build.

167. Every sanction for the erection or re-erection of a building which is given or is deemed to have been given by a Municipality shall remain in force for one year only from the date of such sanction and if the erection or re-erection of the building is not commenced within the said period of one year the sanction shall be deemed to have lapsed;

Provided that such lapse shall not bar any subsequent application for fresh sanction under the foregoing provisions of this Regulation

Penalty for building without sanction.

168. If th erection or re-erection of a building is begun or continued—

(*a*) without sanction as required by sub-section (1) of section 162 or

(*b*) without notice as re uired by sub-section (2) of section 162 or

(*c*) after sanction has been refused or

(*d*) in contravention of the terms of ıy sanction granted or

(*e*) after the sanction has lapsed, c.

(*f*) any contravention of any bye-law made under section 163 the Municipality may by notice to be . livered within a reasonable time require the building to be altered or demolished as it thinks necessary within a space of thirty days from the date of the service of such notice :

Provided that no such notice shall issue in respect of the contravention of any bye-law, the observance of which h s been dispensed with under section 165 :

Provided fur her that the Municipality may instead of requiring the alteration or demolition of any such building accept by way of compensation such sum as it thinks reasonable.

Compensation for damage in respect of erection or reerections.

169. (1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of a refusal to sanction the erection of any building.

(2) The Munic pa ity sha make full compensation to the owner for any damage which he may sustain in consequence of a refusal to sanction the re-erection of any building:

Provided that the Municipality shall not be liable to make any compensation in respect of a refusal to sanction the re-erection of a building which for a period of three years or more immediately preceding such refusal has not in existence or has been unfit for human habitation.

CHAPTER XI

GENERAL PROVISIONS

A. Power of entry and Inspection

Power of entry for purposes of valuation or taxation

170. Any person authorised by the Municipality in this behalf may—

(*a*) afte giving twenty-four hours notice to the occupier, or if there be no occupier to the owner of any building or land in a municipal area at any time between sunrise and sunset enter inspect and measure the building or land for the purpose of valuation ; and

(*b*) enter and inspect any stable coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation or for which a licence has not been duly taken out.

Power to inspect drains, privies and cesspools

171. (1) Any person authorised by the Municipality in this behalf, may e t r between sunrise and sunset any building or land in a mun cipal area and inspect any drain, privy latrine, urinal, cesspool, cable, wire, pipe, sewer or channel therein or thereon and cause the ground to be opened where such person thinks fit for the purpose of preventing or removing any nuisance arising from the drain privy, latrine urinal cesspool, cable wire, pipe, sewer or channel.

(2) If on such inspection it appears that the opening of the ground was necessary for the prevention or removal of a nuisance the expenses thereby incurred shall be paid by the owner or occupier of the land or building but if it is found that no nuisance exists or but for such opening would have arisen the ground or portion of any building drain or other work (if any) opened injured or removed for the purpose of such inspection shall be filled in reinstated and made good by the Municipality.

(3) No building other than a latrine urinal or privy shall be entered under this section until six hours notice in writing has been given to the occupier of the building by the Municipality or by the person authorised by the Municipality to make the entry.

Power to inspect buildings sanitary purposes.

172. Any person authorised by the municipality in this behalf may after giving three hours notice to the occupier or if there be no occupier to the owner of any building in a municipal area, enter and inspect it at any time between sunrise and sunset where such inspection appears necessary for sanitary reasons :

Provided that if the building to be inspected is a stable for horses or a house or . . . for cows or other cattle, previous notice shall not be required before inspection.

General powers of entry on buildings or land.

173. Any person authorised by the Municipality in this behalf, may, after giving twenty four hours notice to the occupier or if there be no occupier, to the owner of any building or land in a municipal area, at any time between sunrise and sunset—

(*a*) enter and survey, or take levels or measurements of, the building or land;

(*b*) enter the building or land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which the Municipality is by this Regulation empowered to execute or to maintain: or

(*c*) enter the buildings or land for the purpose of inspecting or repairing water or other installations or for taking readings of meters connected therewith.

Powers to inspect places for illicit slaughter of animals.

174. If there are reasonable grounds for believing that any animal has been is being, or is about to be slaughtered for sale in a municipal area, in any place or premises not appointed for such purpose under section 120 or in contravention of any bye-law, the Municipality by any person authorised by it in this behalf, may at all reasonable times, enter into and inspect any such place or premises.

Power of entry for purposes of preventing spread of disease.

175. Any person authorised by the Municipality in this behalf, may, at any time between sunrise and sunset, enter any building or premises, situated in a municipal area, in which any infections or contagious disease is reputed or suspected to exist, for the purposes of inspecting such building or premises.

General provisions.

176. (*1*) A Municipality may authorise person to exercise the powers of entry conferred by the foregoing sections of this Chapter either generally in regard to all buildings and lands, or particularly in regard to specified buildings or lands or classes of buildings or lands.

(2) When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers, and before any apartment in the actual occupancy of any woman who

according to custom does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Reasonable time for compliance with notices, etc., to be fixed.

177. When any notice under this Regulation requires any act to be done for which no time is fixed by this Regulation, it shall fix a reasonable time for doing the same.

Authentication, service and validity of notices.

178. (*1*) Every notice issued by a Municipality under this Regulation shall be in writing, signed by the Chairperson, a Vice Chairperson, the Secretary or by any other person specially authorised by the Municipality in that behalf, and may be served on the person to whom it is addressed or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

(*2*) When the place of abode or business of the persons to whom the notice is addressed is not within the limits of the municipal area, the notice may be served by posting it addressed to his usual place of abode.

(*3*) If the owner of any property has no place of abode or business within the municipal area, every such notice addressed to him as such owner, may be served on the occupier.

(*4*) When the place of abode or business of the occupier of any property is not known every such notice addressed to him as such occupier, may be served by affixing it to some conspicuous part of the property.

(*5*) No notice issued by the municipality under this Regulation shall be invalid for defect of form.

Service of notice, etc., when owner and occupire are different persons.

179. Whenever it is provided by or under this Regulation that the notice may be given to the owner or occupier of any land or building and the owner and occupier are different persons such notice shall be given to that one of them who is primarily liable to comply with such notice, and in case of doubt to both of them:

Provided that in any such case, where there is no owner resident within the municipal area, the delivery of such notice to the occupier shall be sufficient.

Mode of giving notice to owner or occupier of property.

180. When any notice is, by or under this Regulation, required to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

(*a*) by delivering a written notice to some person on the property, or if there is no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or

(*b*) by posting a pre-paid letter containing a written notice and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication public notices.

181. Every public notice given by a Municipality under this Regulation, shall be published by proclamation or in such other manner as the Administrator may direct.

Penalty for disobedience of Municipality.

182. Whoever disobeys any lawful direction given or prohibition imposed by a Municipality by public notice under this Regulation or any written notice lawfully issued by it thereunder, or fails to comply with the conditions subject to which any permission was given by the Municipality to him thereunder, shall, if the disobedience or failure is not an offence punishable under any other section, be punishable with

fine which may extend to fifty rupees and in the case of continuing disobedience or failure with a further fine which may extend to five rupees for every subsequent day during which disobedience or failure continues;

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified by or under this Regulation, no penalty shall be incurred by reason of such disobedience or failure if, in the opinion of the Court trying the case, the time so fixed was not a reasonable time.

Power in event of non-compliance with notice, etc.

183. Whenever the terms of any notice issued under this Regulation have not been complied with the Municipality may, after six hours, further notice, cause the act to be done by its officers.

Penalty obstructing Municipality.

184. Any person wilfully obstructing the Municipality or any officer or servant of a Municipality, or any person authorised by a Municipality, in the exercise of any power conferred by or under this Regulation, shall be punishable with fine which may extend to fifty rupees.

Recovery of costs of execution.

185. (*1*) Where, under this Regulation, the owner or occupier of any property is required by a Municipality to execute any work and default has been made in complying with the requirement and the Municipality has executed the work the Municipality may recover the cost of the work from the person in default.

() Where any money recoverable by the Municipality under this section is payable by the owner of the property, it shall be a charge thereon and shall be recoverable as if it were a tax levied by the Municipality on the property.

C. Payment of compensation by Municipality

Payment of compensation by Municipality.

186 (*1*) A Municipality may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it or its officers or servants under this Regulation, and shall make such compensation where the damage was caused by its negligence or the negligence of its officers or servants and the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

() If any dispute arises regarding the amount of any compensation which the Municipality is required by this Regulation to pay for injury to any building or land it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1894 with reference to the acquisition and payment of compensation for land for public purposes as the provisions of that Act can be made applicable.

D. Appeals from orders, etc., of Municipality

Appeals from orders of Municipality.

187. (*1*) Any person aggrieved—

(*a*) by the refusal of a Municipality under section 166 to sanction the erection or re-erection of a building; or

(*b*) by a notice from a Municipality under section 168 requiring the alteration or demolition of a building;

may appeal within thirty days from the date of such notice or refusal, to such officer as the Administrator may appoint in this behalf or failing such appointment to the Deputy Commissioner but no such notice or refusal shall be liable to be called in question otherwise than by such appeal.

() The appellate authority may, if it thinks fit extend the period allowed by sub-section (1) for appeal.

ing the notice or refusal appealed from shall be final:

Provided that the notice or refusal shall not be modified or set aside until the appellant and the Municipality have had a reasonable opportunity of being heard

Prosecution to be suspended in certain cases.

188 When any order of a kind referred to in Section 182 or section 185 is subject to appeal and an appeal has been instituted against it all proceedings to enforce such order and all prosecutions for any contravention thereof or non-compliance there with shall be suspended pending the decision of the appeal and if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

E. Offences and prosecutions

Powers and duties of police in respect of offences against Regulation.

18 (*1*) Every police officer shall give immediate information to the Municipality of any offence made punishable by or under this Regulation and shall be bound to assist all members, officers and servants of the Municipality in the exercise of their lawful authority.

(*2*) Any police officer may, without an order from a Magistrate and without a warrant arrest any person committing in his view any offence made punishable by or under this Regulation if—

(*a*) the name and address of such person are unknown to such officer, and

(*b*) such person declines to give his name and address, or there is reason to doubt the accuracy of the name and address if given.

(*3*) A person arrested under this section may be detained until his name and address have been correctly ascertained;

Provided that no person so arrested shall be detained for a longer period than may be necessary for bringing him before a Magistrate and that such period shall not exceed twenty-four hours except under the order of a Magistrate for his detention.

Authority for prosecutions.

190. Unless otherwise expressly provided, no Court shall take cognizance of any offence made punishable by or under this Regulation except on the complaint of or upon information received from the Municipality or some person authorised by the Municipality in this behalf.

Power to compound offences.

191. (*1*) A Municipality or any of its officers authorised in this behalf may accept from any person against whom a reasonable suspicion exists that he has committed an offence made punishable by or under this Regulation a sum of money by way of composition for such offence.

(*2*) On payment of such sum of money the suspected person if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.

(*3*) Sums paid by way of composition under this section shall be credited to the Municipal Fund.

Members not to be disqualified from trying.

192. No Judge or Magistrate shall be deemed to be a party to, or personally Regulation or any other law, within the meaning of section 479 of the Code of Criminal Procedure, 1973, by reason only that he is a member of the Municipality by the order, or under the authority, of which such prosecution has been instituted.

Power of Magistrate to order payment of costs and damages.

193. Where any person is convicted of any offence made punishable by or under this Regulation the Magistrate may direct that such costs of the prosecution and such compensation for any damage which may have been caused to any municipal property in the commission of such offence shall be paid by such person and any sum so ordered to be paid shall be recoverable as if it were a fine and be credited to the Municipal Fund.

F. *Suits*

Suits against Municipality or its officers.

194. No suit shall be instituted against a Municipality or against any member, officer or servant of a Municipality in respect of any act purporting to be done in its or his official capacity until the expiration of one month next after notice in writing has been, in the case of a Municipality delivered or left at its office, and in the case of an officer or servant delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff :

Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

C. *Recovery of Municipal Claims*

Recovery of taxes and other claims.

195. (*1*) Any tax rate, cess or fee (other than a school-fee) and any costs, damages or compensation or other monies payable, or claimable or recoverable by a Municipality under this Regulation or any rule or bye-law may, after a demand has been made therefor in the manner prescribed by rules made by the Administrator, be recovered, on application to the Collector of the district, as arrears of land-revenue, that is to say by the distress and sale of any movable property, or by attachment and sale of immovable property, belonging to such person:

Provided that nothing in this section shall prevent the Municipality in its discretion, from suing for the amount payable in any competent Civil Court.

(*2*) If any property, movable or immovable is sold under the provisions of this Regulation and there is, after payment of the amount due to the Municipality, any surplus from the sale proceeds, such surplus shall, if the owner of the property sold claims it within six months from the date of the sale, be paid to him by the Municipality, but if no such claim is preferred within such time, the said surplus shall be credited to the Municipal Fund, and no suit shall lie for the recovery thereof.

(*3*) No distress, attachment or sale made or held under this Regulation, shall be deemed unlawful, nor shall any person making or holding the same be deemed to be a trespasser, on account of any error, defect, or want of form in any bill, notice, schedule, form, notice of demand, warrant of distress or attachment in ventory or other proceeding relating there to if the provisions of this Regulation have been in substace and effect complied with :

Provided that any person aggrieved by any irregularity may recover satisfaction for any damage sustained by him arising there from.

CHAPTER XI

DISTRICT PLANNING COMMITTEE

District Planning Committee.

196. (*1*) There shall be constituted for all the districts in the Union territory, a District Planning Committee to consolidate the plans prepared by the Panchayats, Municipalities and the tribal administrative bodies in the areas notified under sub-section (1) of section 3 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956, and to prepare a draft development plan for the Union territory.

(*2*) The District Planning Committee shall consist of,—

(*a*) the Adhyaksha of the Zilla Parishad who shall be the Chairperson;

(*b*) the Chairperson of the Municipality;

(*c*) the Member of Parliament for the Union territory;

(*d*) such number of persons not less than four-fifths of the total number of members of the Committee as may be specified by the Administrator shall be elected by, and from amongst the elected members of the Zilla Parishad and the Municipality in proportion to the ratio between the population of the Zilla Parishad and of the Municipalities in the districts including such number of persons chosen in such manner as the Administrator may by order published in the Official Gazette determine from among the following namely:—

(*i*) six persons from among the tribal residents in the Car Nicobar tahsil;

(*ii*) four persons from the tribal residents in the Nancowry tahsil (excluding Great Nicobar) ;

(*e*) one person belonging to any of the Scheduled Tribes of the Andamanese Onges or Shompens to be nominated by the Administrator;

(*f*) secretary to the Union territory incharge of Planning;

(*g*) secretary to the Union territory incharge of Finance;

(*h*) secretary to the Union territory incharge of local self-government;

(*i*) The Chief Executive Officer of the Zilla Parishad Secretary—ex-officio.

(3) The District Planning Committee shall prepare a draft Development Plan,—

(*a*) having regard to,

(*i*) matters of common interest between the Panchayats, Municipalities, reserved areas, municipal areas and other areas including spatial planning sharing of water and other physical and natural resources, integrated development of infrastructure and environmental conservation;

(*ii*) the extent and type of available resources whether financial or otherwise;

(*b*) consult such institutions and organisations as the Administrator may by order specify.

(5) The Chairperson of the District Planning Committee shall forward the Development Plan as recommended by such Committee to the Administrator.

CHAPTER XII

CONTROL

CONTROL BY THE ADMINISTRATOR

Power of Administrator over Municipality.

197. (1) The Administrator and the Deputy Commissioner acting under the orders of the Administrator shall be bound to require that the proceedings of Municipality shall be in conformity with the law for the time being in force.

(2) The Administrator may exercise all powers necessary for the performance of this duty and may, among other things, by order inwriting annual or modify any proceedings of a Municipality which he may consider not to be in conformity with law.

(3) The Deputy Commissioner may, for the same purpose, exercise such powers as may be conferred upon him by the Administrator.

Power to cancel or suspend any resolution passed, or issued or licence or permission.

198. The Administrator may, by order in writing—

(*i*) suspend or cancel any resolution passed, or issued, or licence or permission granted, or

(*ii*) prohibit the doing of any act which is about to be done or is being done, in pursuance or under colour of this Regulation, if, in his opinion,

(*a*) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorised, or

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Regulation or any orther law, or

(*c*) the execution of such resolution or order, the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health, or safety, or is likely to lead to a riot or an affray:

Provided that the Administrator shall before taking action under this section on any of the grounds referred to in clauses (*a*) and (*b*) give the authority or person concerned an opportunity for an explanation.

Dissolution of the Municipality.

199. (1) If, in the opinion of a Administrator, the Municipality, persistently makes default in the performance of the duties imposed on it by or under this Regulation or exceeds, or abuses its powers, the Administrator may by an order published, together with a Statement of reasons therefore, in the Official Gazette dissolve the Municipality:

Provided that the Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) When the Municipality is dissolved by an order under sub-section (1),—

(*a*) all members shall, on the date of the dissolution, vacate their office as such members and the persons referred to in clause (*a*) of sub-section (2) of section 9 shall cease to be represented in the Municipality;

(*b*) during the period of dissolution of the Municipality, all powers and duties conferred and imposed upon the Municipality by or under this Regulation or any other law, shall be exercised and performed by such officer or authority as the Administrator may appoint in that behalf; and

(*c*) all property and rights vested in the Municipality shall, until it is reconstituted, vest in the Government.

Disputes between Municipalities.

200. If any dispute, for the decisoin of which this Regulation does not otherwise provide arises between two or more Municipalities or between any Municipality and any other authority, the matter shall be referred to the Administrator whose decision shall be final.

CHAPTER XIII

BYE-LAW AND RULES

A. Bye-laws

General bye-laws.

201. A Municipality may, by bye-laws—

(*a*) render licences necessary for the proprietors or drivers of vehicles or animals kept or plying for hire within the limits of the municipal area, and fix the fees payable for such licences and the conditions on which they shall be granted and may be revoked, and may by such conditions provide among other things for a minimum breadth for wheel tyres and for a minimum diameter of the wheels;

(*b*) limit the rates which may be demanded for the hire of any carriage, cart or other conveyance, or of animals hired to carry loads or persons, or for the services of persons hired to carry loads or to impel or carry such conveyances and prescribe the loads to be carried by such conveyances, animals or persons when hired within the municipal area for a period not exceeding twenty four hours;

(*c*) provide for the proper registration of births, marriages and deaths, and for the taking of a census;

(d) fix, and from time to time vary, the number of persons who may occupy a building, or part of a building which is let in lodging or occupied by members of more than one family or which is situated within such congested areas as may be specified in the bye-laws; and provide—

(*i*) for the registration and inspection of such buildings;

(*ii*) for promoting cleanliness and ventilation in such buildings;

(*iii*) for the notices to be given and the precautions to be taken in the case of any informations of contagious disease breaking out in such buildings;

(*iv*) in the case of hotels, serais, lodging—houses and residential clubs, for the maintenance of registers in such form as the Municipality may prescribe, of visitors and lodgers, ; and

(*v*) generally for the proper regulation of such buildings;

(*e*) provide—

(*i*) for the inspection and proper regulation of encamping grounds, pounds, serais, hotels, restaurants, lodging-houses, tea-stalls, confectioneries bakeries aerated-water factories ice-factories, dhobies ghats, flour-mills and slaughter houses;

(*ii*) for the inspection and proper regulation of municipal markets, for the preparation and exhibition of a list of current prices, and for fixing the fees rents and other charges to be levied in such markets;

(*iii*) for the holding of fairs and industrial exhibitions within the municipal area or under the control of the Municipality and for the collection of fees under section 140;

(*iv*) for controlling and regulating the use and management of burial and burning-grounds; and

(*v*) for the supervision, regulation and protection from pollution of public wells, tanks, springs or other sources from which water is or may be made available for the use of the public, whether within or without the municipal area;

(*f*) require and regulate the appointment by owners of buildings or land in the municipal area who are not resident in the municipal area of persons residing within or near the municipal area to act as their agents for all or any of the purposes of this Regulation;

(*g*) where the collection of a terminal tax has been sanctioned, fix terminal tax limits for the purpose of collecting the same, and prescribe routes by which goods, animals or dogs which are subject to such terminal tax may be brought into the municipal area ;

(*h*) render licences necessary for using premises as stables, cow-houses or houses or enclosures for sheep or goats; and otherwise regulate keeping of animals within the municipal area ;

(*i*) In any municipal area where a reasonable number of slaughter-houses has been provided or licensed by the Municipality, control regulate or prohibit the admission within the municipal area for the purpose of sale of the flesh (other than cured or reserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Regulation and provide for the seizure, destruction or disposal otherwise of any flesh brought within municipal limits in contravention of any such bye-law ;

(*j*) prohibit the letting off of fire-arms fireworks, fire balloons or detonators except—

() with the permission of the Municipality or of an officer of the Municipality empowered to give such permission;

(*ii*) subject to such conditions as the Municipality may impose and

(*iii*) on payment of such fees (if any) as may at any time have been fixed by the Municipality in that behalf ;

(*k*) regulate the making and use of connections or communications between private houses and premises and mains or service cables wires pipes, drains, sewers and other channels established or maintained by the Municipality under any of the provisions of this Regulation;

(*l*) regulate the posting of bills and advertisements, and the position, size, shape and style of name-boards, sign-boards and sign-posts ;

(*m*) provide for and regulate the construction and maintenance of boundary walls, hedges and fences hereafter erected or re-erected so as to abut on a public street or upon property vested in the Municipality;

(*n*) regulate or prohibit any discription or traffic in the streets;

(*o*) prohibit the storage of more than a fixed maximum quantity of any explosive petroleum spirit, naptha or other inflammable material in any building not licensed under section 137;

(*p*) provide for the seizure and confiscation of ownerless animals straying within the municipal area ;

(*b*) provide for the registration of all or any specified classes of dogs, and in particular and without prejudice to the generality of the foregoing—

(*i*) provide for the imposition of an annual fee for such registration;

(*ii*) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the Municipality ; and

(*iii*) provide that any dog, not registered and not bearing such token, may, if found in any public place, be detained at a place to be set apart for the purpose and shall be liable to be destroyed or otherwise disposed of after such period as may be specified in the bye-law; or

(*r*) generally provide for any matter which may be authorised by the Administrator :

Privision, relating to bye-laws.

202. (*1*) Any power to make bye-laws conferred by this Regulation is conferred subject to the bye-laws being made after previous publication

(*2*) In making any bye-law the Municipality may direct that breach thereof shall be punishable with fine which may extend to fifty rupees and an the case of a continuing breach with a further fine which may extend to five rupees for every subsquent day during which the breach continues .

Provided that in lieu of or in addition to inflicting such fine the Magistrate may require the offender to remedy the mischief so far as if within his power ;

(3) No bye-law shall come into force until it has been confirmed by the Administrator and published in such manner as the Administrator may prescribe in this behalf.

(4) The Administrator may, in confirming a bye-law, make any change in its form which appears to him to be necessary.

(5) The Administrator may cancel his confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

(6) A copy of all bye-laws shall be kept at the office of the Municipality and shall be open during office hours without charge to the inspection of any inhabitant of the municipal area.

(7) Copies of all such bye-laws shall be kept at the said office for sale to the public at a price not exceeding five rupees.

B. *Forms and Rules*

203. (1) The Administrator may prescribe forms for any proceeding of Municipalities, for which he considers that a form should be provided and may, subject to the condition of previous publication by notification, make rules to carry out the provisions of this Regulation. Forms and rules.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely:—

(*a*) the qualifications requisite in the case of persons appointed by a Municipality to offices requiring professional skill;

(*b*) the authority on which money may be paid from the Municipal fund, and the management and regulation of Provident Funds (if any) established under section 25;

(*c*) the custody and use of implements, appliances and other materials kept by Municipality under section 105;

(*d*) the procedure to be observed for the appointment, punishment or dismissal of officers and servants of Municipality and as to appeals from order of appointments, punishments or dismissal;

(*e*) the condition on which property may be acquired by a Municipality or on which property vested in a Municipality may be transferred by sale, mortgage lease, exchange or otherwise;

(*f*) the preparation of plans and estimates for works to be partly or wholly constructed at the expense of Municipalities and the persons by whom, and the conditions subject to which, such plans and estimates are to be sanctioned;

(*g*) the assessment and collection, and the compisition, refund or the limiting of refunds of taxes imposed under this Regulation, and the prevention of evasion of the same; and the fees payable for notice of demand;

(*h*) the conditions on which a Municipality may receive goods into a bonded-warehouse and the agreements to be signed by traders or others wishing to deposit goods therein

(*i*) the accounts to be kept by Municipalities, the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Regulation, the manner in which such accounts are to be audited and published, and the power of the auditors in respect of disallowance and surcharge;

(*j*) the returns, statements and reports to be submitted by Municipalities;

(*k*) the language in which business of Municipalities shall be transacted, proceeding recorded and notices issued,

(*l*) the publication of public notices;

(*m*) the regulation of the proceedings of Municipalities and persons empowered to accept composition under section 191 for alleged offences;

(*n*) the maintenance, control and regulation of water works and supply of water;

(*o*) generally the guidance of Municipalities and public officers in carrying the purposes of this Regulation; and

(*p*) the intermediate office or offices (if any) through which correspondence between Municipalities or members and the Administrator or the Deputy Commissioner shall pass,

(*q*) the powers to be exercised by the Deputy Commissioner under section 97;

(*r*) any other matter which has to be or may be provided.

(3) In making such rules the Administrator may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

(4) A rule may be general for all municipal areas or for all municipal areas not expressly excepted from its operation or may be special for the whole or any part of one or more municipal areas as the Administrator may direct.

Laying of rules and bye-laws before Parliament

204. Every rule and every bye-law made under this Regulation shall be laid as soon as may be after it is made before each House of Parliament while it is in session or a total period of thirty days which may be comprised in one session or in two or more sucessive sessions and before the expiry of the session immediately following the session or the successive sessions as aforesaid both Houses agree for making any modification in the rule or bye-law or both Houses agree that the rule or bye-law should not be made, the rule or bye-law shall thereafter have effect only in modified form or be of no effect as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law.

CHAPTER XIV

SUPPLEMENTARY

Vacancies and irregularities not to invalidate proceedings.

205. No act done or proceeding taken under this Regulation shall be questioned on the ground merely of the existence of any vacancy in any Municipality, subcommittee, or joint committee or on account of any defect or irregularity not affecting the merits of the case

Proof of municipal records.

206. (1) A copy of any receipt application, plan notice order entry in a register or other document in the possession of a Municipality shall if duly certified by the keeper thereof or other person authorised by bye-laws in this behalf be received as evidence of the existence of the entry or document and of the matters of transactions therein recorded in every case where and to the same extent as the original entry or document would if produced have been admissible to prove such matters or transactions

(2) No officer or servant of a Municipality shall in any legal proceedings to which the Municipality is not a party be required to produce any register or document the contents of which can be proved under sub-section (1) by a certified copy or to appear as a witness to prove the matters or transactions recorded therein, unless by order of the Court made for a special cause.

Amendment of regulation 1 of 1994.

207. In section 1 of the Andaman and Nicobar Islands (Panchayats) Regulation, in sub-section (2), for the words "The Andaman and Nicobar Islands (Municipal Boards) Regulation, 1957", the words 'The Andaman and Nicobar Islands (Municipal) Regulation, 1994" shall be substituted.

Power to remove difficulties.

208. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may by order published in the Official Gazette make such provisions not inconsistent with the provisions of this Regulation as appears to him to be necessary or expedient for removing of that difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Regulation.

(2) Every order made under this section shall as soon as may be after it is made be laid before each House of Parliament.

Repeal of Regulation 4 of 1979.

209. (1) The Andaman and Nicobar Islands (Administration) Regulation, 1979 is hereby repealed:

Provided that the Pradesh Council existing immediately before the commencement of this Regulation shall cease to exist on the date till immediately before the date fixed under section 150 of the Andaman and Nicobar Islands (Panchayats) Regulation 1994.

Repeal and savings.

210. (1) The Andaman and Nocobar Islands (Municipal Boards) Regulation, 1957 is hereby repealed.

(2) The repeal of the said Regulation shall not affect,—

(a) the previous operations of the said Regulation or any other done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulations; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Regulation; or

(d) any investigation, legal proceeding or remedy in respect of which such right, privilege, obligation, liability, forfeiture or punishment as aforesaid on any such investigation, legal proceeding or remedy may be instituted continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been promulgated.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

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